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Minutes
JANUARY 4, 1989

CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Wednesday, January 4, 1989 at 1700 hours in Closed Session.

Commissioner Giraudo presiding.

DOCUMENTS DEPT.

1. Attorney-Client Conference
2. Personnel Matter

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AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

JANUARY 4, 1989

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, January 4, 1989 at 1730 hours in a Regular Meeting.

Commissioner Giraudo presiding.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

APPROVAL OF MINUTES OF MEETING OF SEPTEMBER 28, 1988

Approval of Minutes of Meeting of September 28, 1988, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 8-89

CALVIN LEE vs. CITY AND COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Calvin Lee in the sum of \$30,000.00 entitled "Calvin Lee vs. City and County of San Francisco, et al" in Superior Court No. 880-459 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 23, 1986

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 9-89

JUAN FRANCISCO GUERRON vs. CITY AND COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Juan Francisco Guerron in the sum of \$4,900.00 entitled "Juan Francisco Guerron vs. City and County of San

Francisco, et al" in Municipal Court No. 930-012 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 20, 1986

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 10-89

ERIC D. EVANCHAK vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Eric D. Evanchak in the sum of \$500.00 in Superior Court No. 858-802 entitled "Eric D. Evanchak vs. City and County of San Francisco" as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 14, 1985

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 11-89

VICTORIA A. McCAY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Victoria A. McCay in the sum of \$265.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 19, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 12-89

FRANCISCO & DOLORES REYES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Francisco & Dolores Reyes in the sum of \$190.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 7, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 13-89

JUDITH T. HURLEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Judith T. Hurley in the sum of \$190.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 1, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 14-89

E.A. CHANAME

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of E.A. Chaname in the sum of \$175.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 20, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 15-89

DOROTHY GOLDEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dorothy Golden in the sum of \$147.50 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 1, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 16-89

GERARD L. ROYBAL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gerard L. Roybal in the sum of \$145.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 26, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 17-89

MICHAEL RUDMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael Rudman in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 1, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 18-89

RANDALL SCHMIDT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Randall Schmidt in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 12, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 19-89

ANDREAVETTE BENNETT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Andreavette Bennett in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 7, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 20-89

CITY TOW COMPANY (NGUYEA, ANA T.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow Co. (Nguyea, Ana T.) in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 15, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 21-89

BONNIE A. SUNSERI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Bonnie A. Sunseri in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 14, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 22-89

ANGELA MORGAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Angela Morgan in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 10, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 23-89

DIANE MOGANNAM

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Diane Mogannam in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 23, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 24-89

SILVIO B. MARGULIS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Silvio B. Margulis in the sum of \$80.00 as damages sustained, be, and the same is hereby approved.

Date of Incident: August 2, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 25-89

MAURICE A. WYSINGER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Maurice A. Wysinger in the sum of \$80.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 7, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 26-89

MARGARET SCHEIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Margaret Schein in the sum of \$80.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 14, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 27-89

SCOTT L. SHAPIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Scott L. Shapin in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 8, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 28-89

FRANK S. SZEROY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Frank S. Szeroy in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 8, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 29-89

KARI N. OPLAND

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kari N. Opland in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 2, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 30-89

RAY PACK, JR.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ray Pack, Jr. in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 27, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 31-89

ANTHONY M. ROUSOS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Anthony M. Rousos in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 17, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 32-89

PAIGE SARGENT JACKSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Paige Sargent Jackson in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 9, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 33-89

TERRY E. LAWSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Terry E. Lawson in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 29, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 34-89

LANCE J. LEW

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lance J. Lew in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 2, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 35-89

HAROLD J. CRONIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Harold J. Cronin in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 20, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 36-89

ALBERT T. DE LISLE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Albert T. De Lisle in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 4, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 37-89

PATRICIA DAVIS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Patricia Davis in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 1, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 38-89

CITY TOW CO. (LYCH, C.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow Co. (Lych, C.) in the sum of \$25.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 2, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

POLICE COMMISSION REPORT

Commissioner Giraudo announced that the Commission met in Executive Session this evening on two separate Personnel Matters and no vote was taken.

(a) PUBLIC COMMENTS

Mr. John O'Brien greeted the Commissioners and said the Red Stinger screams out in pain over the fact the way a few cowboys on the San Francisco Police Force makes a ranch of his city. He then handed out leaflets to each Commissioner and the Chief in regard to a Mr. Earl Thompson, 26 years old, who, he says, has lived homeless on the streets of San Francisco for the past 16 years and for the past 7 years has been performing free benefit shows for children using a stage and six puppets of his own creation. On the early morning of December 24th, 1988, he said, the police came and arrested Mr. Thompson and others who were living in a make shift shelter at #1 Trinity Center on Market Street. He said Mr. Thompson and others had been given permission to stay there by a sergeant but then on the date he had just quoted the policemen came trashing the peoples' possessions including Mr. Thompson's entire puppet show personally valued at \$7,000.00 and assaulted all parties involved in the process. Mr. O'Brien said the actions of the arresting officers are clearly in violation of the Constitution of the United States and of the Police Commission's own Resolution 1962-88, and not to mention Police Department Manual Section D-6. He said the Red Stinger (Mr. O'Brien) request that the San Francisco Police Commission schedule a full scale hearing on this matter. Mr. Thompson then came forward and told the story in his own words.

After listening to Mr. Thomson the next speaker was:

Mr. Frank Martinez Campo, representing the non-sworn personnel at the Police Department. He said he would like to know the appropriate time to make a comment in regard to the incident concerning Dolores Huerta.

Commissioner Giraudo advised him that this was public comment time and that he was free to speak on that subject right now if he chose to do so. He said, however, when the Commission discusses Crowd Control Measures he would not be able to speak on that incident or the Bush Demonstration and comment will be limited to recommendations for Crowd Control Measures submitted by the ACLU, CUAV, NLG and the OCC and Police Department.

Mr. Tony Kilroy then came forth and said he was the Vice Chair of the Democratic County Senate Committee of San Francisco and that he had sent to the Commission their recommendation on Crowd Control at the end of November. He said they had supported Chief Jordan's request to vote for Proposition A on the 1987 Ballot. He said the most important part of their Resolution is that they are requesting that the Commission adopt a General Order on Crowd Control. He said this General Order should be circulated for public review, be the subject of a well noticed public hearing, and thereafter adopted by the Commission so that all parties including police will know what they can or cannot do while exercising their First Amendment Rights during demonstrations.

After listening to Mr. Kilroy, Commissioner Giraudo asked Mr. O'Brien if he or Mr. Thompson had filed a complaint with the OCC in regard to Mr. Thompson's arrest. When Mr. O'Brien advised they had not, Commissioner Giraudo said that he would like very much for them or Mr. Thompson to file a complaint with the OCC, and the Chief of Police will be more than happy to take a look at what it is that has been alleged this evening and also to have it investigated from the Department's side. He said but obviously the place for the complaint to be lodged is with the OCC. Mr. O'Brien then brought up another matter about a breakdown in the Department's 911 system and asked if he could return next week for further discussion. He was advised that he could and the Commissioner then moved the calendar to the next item.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Frank Jordan advised the Commission that he had no additional items other than what was already on calendar.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Director Michael Langer had two items, one was a matter he wanted calendared for discussion at next week's meeting and the other advising the Commission of his and Mr. Silva's appearance before the Finance Committee seeking approval of their Supplemental Appropriation for the OCC's overtime Budget which was approved.

RESOLUTION NO. 5-89

LEAVE OF ABSENCE WITHOUT PAY PENDING HEARING OF CHARGES - POLICE OFFICER RAYMOND E. WEST, MEDICAL LIAISON

WHEREAS, Police Officer Raymond E. West, Medical Liaison, was suspended without pay on January 20, 1988, pending hearing of charges before the Police Commission; and

WHEREAS, Officer Raymond E. West has requested a Leave of Absence Without Pay pending hearing of charges before the Police Commission; therefore be it

RESOLVED, that Police Officer Raymond E. West, Medical Liaison, be placed on Leave of Absence Without Pay at his request for a period of 50 days commencing December 7, 1988 through January 25, 1989, be, and the same is hereby approved.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 6-89

RESETTING OF DATE FOR HEARING OF POLICE OFFICER DAVID D. WRIGHT, INGLESIDE STATION

WHEREAS, the date for the resetting of the hearing of the disciplinary charges filed against Police Officer David D. Wright, Ingleside Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law for the San Francisco Police Department, that the date for the hearing of disciplinary charges filed against Officer David D. Wright be reset for March 1, 1989; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Officer David D. Wright, Ingleside Station, is reset for Wednesday, March 1, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 7-89

HEARING OF POLICE OFFICER CLINTON COOPER, PROPERTY CONTROL DIVISION

WHEREAS, the date for the hearing of the disciplinary charges filed against Police Officer Clinton Cooper, Property Control Division, was called it having been set for this date; and

WHEREAS, it was determined by the Police Commission that in order to perform its functions in the disciplinary process as mandated by San Francisco Charter Section 8.343, the date for this hearing shall be firmly set, without subsequent continuances, to Wednesday, March 22, 1989; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Clinton Cooper, Property Control Division, is set for Wednesday, March 22, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 1-89

POLICE COMMISSION DECISION, IN LIGHT OF CITY ATTORNEY'S OPINION, AS TO WHETHER OR NOT TAXICAB MEDALLIONS IN THE CASES OF THE LATE MESSRS. MILITELLO AND PASQUINI SHOULD BE ISSUED

WHEREAS, the date for the decision, in light of City Attorney's opinion as to whether or not taxicab permit in the cases of the late Messrs. Santo Militello and Bruno Pasquini should be issued was called, it having been set for this date; therefore be it

RESOLVED, it is the decision of the Police Commission that the matter of the taxicab medallions in the cases of Messrs. Militello and Pasquini is approved as outlined by the City Attorney and that taxicab permits held by those parties shall be reissued to new applicants.

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 2-89

REQUEST OF THE CHIEF FOR APPROVAL OF ISSUANCE OF A
TAXICAB MEDALLION PERMIT TO AYAD AHMED

WHEREAS, the San Francisco Police Commission conducted hearings from November 1986 through February 18, 1988 regarding the current levels of taxicab service in the City and County of San Francisco, and the requirements of public convenience and necessity therefore; and,

WHEREAS, based upon the entire record of the hearings on public convenience and necessity and on the individual applications, the Police Commission finds that the number of taxicab permits set in 1984 at 761 shall now be 811 as per Resolution No. 1201-87; and

WHEREAS, Ayaz Ahmed appeared at a Public Convenience and Necessity hearing held on Wednesday, January 4, 1989; and

WHEREAS, the Commission determined at a Public Convenience and Necessity hearing on Wednesday, January 4, 1989, based on the records received at that hearing, that clear and convincing evidence supported a finding that public convenience and necessity required the operation of 811 taxi motor vehicle for hire permits; therefore be it

RESOLVED, that Ayaz Ahmed appearing before the Commission is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Ayaz Ahmed.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 3-89

REQUEST OF THE CHIEF FOR APPROVAL OF ISSUANCE OF A
TAXICAB MEDALLION PERMIT TO IMTIAZ AHMAD

WHEREAS, the San Francisco Police Commission conducted hearings from November 1986 through February 18, 1988 regarding the current levels of taxicab service in the City and County of San Francisco, and the requirements of public convenience and necessity therefore; and,

WHEREAS, based upon the entire record of the hearings on public convenience and necessity and on the individual applications, the Police Commission finds that the number of taxicab permits set in 1984 at 761 shall now be 811 as per Resolution No. 1201-87; and

WHEREAS, Imtiaz Ahmad appeared at a Public Convenience and Necessity hearing held on Wednesday, January 4, 1989; and

WHEREAS, the Commission determined at a Public Convenience and Necessity hearing on Wednesday, January 4, 1989, based on the records received at that hearing, that clear and convincing evidence supported a finding that public convenience and necessity required the operation of 811 taxi motor vehicle for hire permits; therefore be it

RESOLVED, that Imtiaz Ahmad appearing before the Commission is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Imtiaz Ahmad.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 4-89

REQUEST OF THE CHIEF FOR APPROVAL OF ISSUANCE OF A TAXICAB MEDALLION PERMIT TO WILLIE RAMSEY

WHEREAS, the San Francisco Police Commission conducted hearings from November 1986 through February 18, 1988 regarding the current levels of taxicab service in the City and County of San Francisco, and the requirements of public convenience and necessity therefore; and,

WHEREAS, based upon the entire record of the hearings on public convenience and necessity and on the individual applications, the Police Commission finds that the number of taxicab permits set in 1984 at 761 shall now be 811 as per Resolution No. 1201-87; and

WHEREAS, Willie Ramsey appeared at a Public Convenience and Necessity hearing held on Wednesday, January 4, 1989; and

WHEREAS, the Commission determined at a Public Convenience and Necessity hearing on Wednesday, January 4, 1989, based on the records received at that hearing, that clear and convincing evidence supported a finding that public convenience and necessity required the operation of 811 taxi motor vehicle for hire permits; therefore be it

RESOLVED, that Willie Ramsey appearing before the Commission is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Willie Ramsey.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

POLICE COMMISSION DISCUSSION ON IMPROVING SAN FRANCISCO POLICE DEPARTMENT CROWD CONTROL PROCEDURES AND POLICIES

Commissioner Giraudo said that the Commission has had a series of Hearings wherein recommendations were submitted and heard. He said first, the Commission heard what the present policy of the SFPD is about and then they had various reports from Deputy Chiefs and Captains, people in charge of the TAC Unit essentially responsible for crowd control in San Francisco. He said they also heard from a number of groups who submitted to the Commission in writing and verbally proposed changes and improvements to the present crowd control policies that are in effect in the SFPD. He said they also heard from the Chief of Police with respect to his

recommendations of which there were 12 and some instances coincided with recommendations made by some other groups and in other instances do not do so. He said members of the Commission during the course of that process went out and met with and visited with the Tactical Unit during the course of training sessions and exercises and entered into dialogue with them to come to a better understanding of what their jobs are, both their primary and their secondary jobs in the SFPD. He said it is the intention of the Commission this evening to ask questions of the various groups in the Department with respect to recommendations they have made and to make whatever comments the Commissioners feel appropriate to ferret out those recommendations that the Commission will hopefully by next week be prepared to vote upon to make policy in the SFPD. He said so he would open it up to the Commission to direct any question or to make any comment that they see fit tonight.

Commissioner Medina said he had one comment and that is in regard to the recommendation that the Crowd Control Policies be framed in the manner of a General Order. And so, he said, he would like to see that discussed, the benefit of having Crowd Control Policies framed in a General Order as opposed to just keeping them in the form of a Crowd Control Manual. He said Mr. Crew made a recommendation in regard to a Training Manual and a General Order and he would like to hear from him and the Chief in regard to that particular item.

Chief Jordan said he would be happy to respond. He said the first part of the Training Manual would consist of about 35 or 40 pages. He said it would be the most extensive Order that the SFPD has in terms of any kind of a General Order. He said if they put it in the form of a Training Order then that has the same kind of validity as a Special Order or a General Order and it would be given out to each individual Officer. He said the only difference between the Training Bulletin and the General Order is that the Training Bulletin can be at least flexible enough where the Department can make adjustments if needed without having to go through meet and confer sessions with the SFPOA and then bringing them here before the Police Commission every time they wanted to change one or two words in that 35 to 40 page Order. He said there would be no problem with any one reviewing what is going into the Training Bulletin.

Commissioner Giraudo asked if any violation of this Training Bulletin would have the same effect as it would if it was a violation of a General Order. The Chief said it certainly would have exactly the same effect.

Mr. Crew in his response to Commissioner Medina said he felt he should preface his comments with what the continuing cloud is over all of this. He said really it is their position, ACLU, CUAV and the National Lawyers Guild that they have to question, at this stage, what the efficacy of General Orders and in fact the policies of the Department. He said they did have a case where the OCC did find a clear violation of the Department's General Order F-4, Use of Force, and to this date that sustained finding has not been addressed. He said they are pending an opinion that possibly somehow this Commission doesn't have the authority to consider that. He said it is their position that they have to question the utility of these reforms if clear policy

guidelines can be violated with impunity. He said having said that there is a very important reason to have a General Order which unlike a Training Bulletin, a General Order is required to be calendared before the Police Commission allowing Public Comments or Public Testimony and in fact it cannot be changed without the Commission's approval. He said what their proposal has said, very specifically, and they are not suggesting that the Commission come up with a 45 page or 35 page General Order, but they do believe that this issue is important enough that at least the guiding principles, the General Standards of the Department, can be sent out in a General Order and need to be. He said the Department has General Orders; when they testified on this at length a couple of months ago, the Department has General Orders on under water recovery, the duties of all sorts of minutia. He said there is nothing that this Police Commission has said without the public's participation on free speech and crowd control. He said they (ACLU, CUAV, MLG) have a very short list, it is exactly one page long featuring 9 items outlining guiding standards that will control, and hopefully, set the foundation for what this Training Bulletin should say. He said they think it is appropriate for the Commission and for the public to have some sort of say over those policies and that is why they think the General Order is absolutely necessary to any sort of reform effort. But again, he said, with the understanding that these General Orders have to have some meaning and at this stage, he said, they have some doubts about that.

Commissioner Lee said if the Chief says there are over 200 demonstrations a year in San Francisco then he felt the best policy would be a policy to prevent and avoid confrontation between the demonstrators and the Police Officers. He said he propose the following suggestions be considered: #1. Any decision to disperse or move a group of demonstrators, the Command Officer shall give the demonstrators, to be moved, a minimum of three or more verbal warnings to disperse. Before giving the order to disperse, there must be a visible means of escape or room for the demonstrators to move to another location. When there is no room for the demonstrators to move, officers should stop moving forward. #2. If use of force is justified, or to use a baton is necessary, the baton carried by police officers is always carried in the port arms position. Any movement from this position will be from the port arms position with both hands thrusting forward. No jabbing or swinging the position or motion shall be permitted unless an officer is in danger of injury, or his life, or the life of another officer. He said he would like the Chief and the Commission to consider this suggestion.

Commissioner Giraudo said that Mr. Crew comments that all General Orders have to come before the Commission in a public forum or a public hearing which would then give the public an ability to speak to those changes. He said he was having a little trouble with that respect in looking at the 9 points that the ACLU, CUAV and NLG made in their submittal. He then called upon Mr. Crew to clarify as to those of policy statements or as opposed to the details of Crowd Control itself.

Mr. Crew said he would suppose that the line between policy and detail gets a little bit fuzzy. He said the way he would characterize it is that

this is the bare minimum that the Commission with public input on comments if it is trying to develop policies and standards. He said he felt the first question is what is the goal. He said he felt that is very appropriate for the Police Commission and other General Orders to say in a policy statement. He said the goal of the OCC in General Order L-1 is to investigate allegations of misconduct and insure full cooperation. He said, well what are we trying to get into our Crowd Control Policies? He said this Commission has never stated that the goal is to protect and facilitate Free Expression in an atmosphere of Free Speech. He said and that underlying goal must guide everything this Department does in all of their other specific policies. He said he felt the rest of those 9 items set the general boundaries. He said if we are going to disperse a crowd we don't disperse it and cause more harm in terms of safety than leaving them where they are. He said if we are going to disperse crowds we have to make sure that at the time we are dispersing them, there are avenues of escape as Commissioner Lee just said. He said if we are going to use force we have to ask if that individual who is the target of the force does have any where to go at the time they are using the force? He said so these are kind of the outside boundaries that you set in a number of other General Orders. He said another analogy is the Use of Force Policy. You use a degree of force that is minimally necessary to accomplish a lawful purpose. And then, he said, in other Training Bulletins and materials, you specifically train and indicate to officers the various techniques and procedures to implement that Guiding Standard. He said, you don't have a Guiding Standard per se.

Chief Frank Jordan said that while we are on that same issue he would like to add a couple of different points and he wanted to be careful that he didn't put so much in that is non-flexible here in a written General Order when you have 200 demonstrations and everything is going to have to be done exactly the same way because not every demonstration is run the same way. He said that is part of the flexibility that he wants to see built into this somehow. He said he understands what John Crew is saying in terms of having some parameters and guidelines but this issue, the Crowd Control Manual, however, we can do it whether it is a General Order, or whether it is a Training Bulletin as long as it has the same validity in terms of follow up whatever is needed to get the job done. He said but the Department still has to find in this order some way, or this Training Bulletin, the whole Department Policy on the use of the 36" Baton as how it relates to Crowd Control. He said they have to look at authorized Baton Techniques and proper commands and all of those are going to have to be in this order some where, Crowd Control Formations and movements, all of this is going to have to be spelled out very, very carefully so that every officer knows exactly what's expected of him.

Commissioner Orr in addressing Mr. Crew said she felt she was getting two different messages here. She said on the one hand she sees what he says to set a climate and a tone and a spirit of what the mission is, a mission statement if you will, with respect as to how we are going to proceed but on the other hand in terms of tactics and methodology she said she sees that as being something different. She said the policy in fact shaping and overriding that and directing that, but the actual tactics and

procedure is perhaps being contained in a Training Bulletin that is subordinate to the policy overall. She said she didn't necessarily see them as one piece. She said she hears what the Chief is saying and she hears what Mr. Crew is saying, too.

Mr. Crew said they are not mutually exclusive by any stretch of imagination. He said if this one page is all that they had he thinks that they would all agree that this would be woefully inadequate. He said but what he did not understand is why the Department in its response three (3) weeks ago implicitly or at least by implication rejected the idea that this should be some General Order. He said he did not see what the harm is. He said he wanted to address one other thing and that is the idea of meet and confer. He said meet and confer is required on any issue that effects the working condition of officers. He said he had a hard time seeing where making a policy statement that we are going to protect Free Speech requires a meet and confer session. He said he was a little unclear of any thing in this General Order Section that effects the working conditions. He said if there is any policy that is being considered by the Department or the Commission that effects the working conditions of officers, there ought to meet and confer. He said he would be happy for someone to point out where this effects working conditions.

Commissioner Orr said her sense is that it is two separate things. She said the policy statement ought to be inclusive and broader and the specifics about how that policy is implemented should be in the form of a Training Bulletin. She said on the other hand she could understand the need for a General Order that would speak to policy and procedure but in terms of implementing a manual and the technical methodology for achieving that she could understand the Chief's need for flexibility. She said and also in reading Mr. Crew's principal goal of police action at a demonstration march, protest or picket, shall be to protect and facilitate free expression. She said that certainly is an element of it but she felt it goes beyond that too. She said what the Chief is saying relative to meet and confer also goes to the goal of enforcing lawful assembly or providing for that, the safety of all, including the officers. She said so she felt that is where the SFPOA aspect comes in. She said when you start speaking about the principal goal of any police action or procedures, I am sure the Chief is listening to that or reading that into this. Again, she said, she felt that could be worked through but she felt procedurally she was inclined to air on the side of caution with respect to providing the parameters but in terms of practical application and knowing how the tactics and methodology translates into orders and on the street implementation of that policy, she said she sees the need for the Chief to have some flexibility that the Training Bulletin would allow him. She said so we might be looking at two documents, a Policy Statement from this Commission, to set a tone for how we implement and then adopting the Training Manual that will allow some flexibility as new techniques arrive. She said the problem she sees with the General Order relative to procedures is again that the manual does get updated frequently, in terms of the learning that takes place at each demonstration, for the police cameras are always out there filming and making adjustments, there is always a debriefing and a critique after every

event. She said all of that is the kind of on-going growth that we expect a professional Department to experience and would allow and trust their expertise to do that. She said, but again, under the parameters that would be set forward in a policy statement. She said so, she felt that was probably do able if we look at them as two separate documents she felt that it could be accomplished.

Commissioner Medina asked the Chief if General Orders, as they currently stand, contain policy language as well as implementation language?

Chief Jordan said yes, some did.

Mr. Lester Almstead Rose, CUAU, said he would like to make a point about all of this, but first, he would like to agree with Commissioner Orr-Smith as there is a need for both. Just as an example though, he said, the problem with everything being in Training Manual, as they have been working on this project for the last few months, is that the majority of the Training Manual has not been available to them to review it. He said they, as citizens involved in groups that are very concerned about crowd control, have not been able to review how official police department policy and training of the officers, the basic manual, to see what is actually being done. He said that to him is a real deterrent for coming to the Commission and being able to make more specific, rational, intelligent recommendations thus the importance of a General Order. Because, he said, that is a public document that they can come in with and say this is right or this is wrong. He said obviously the Chief and the Department needs flexibility and he felt everyone under specific flexible Training Bulletin is necessary, but just remember, he said, that when it is put into one context it immediately becomes inaccessible, not only just to him, but to the public and now the vast majority of the Training Bulletin is in accessible to them and they want to review it.

Chief Frank Jordan said before Mr. Rose goes further he would like to respond to the fact that there is no such manual at the present time. He said all the Department has now is training information. He said the Department does have Training Lesson Plan Formats, things of this nature, but not in a formalized Bulletin or General Order. He said what Mr. Rose is probably referring to is the Event Management Manual which covers a variety of different issues in terms of how the Department deploys its personnel whether it be a hostage situation or someone in a bank where there are many patrons and the police must go in and stop a robbery attempt or a bomb threat of a high rise building and how procedures are undertaken to handle such a situation. He said so those kinds of things are what the Department does not want make known to the general public because not only is officer safety involved but it is how a strategic issue is handled in a sensitive area. He said on the other hand a Training Bulletin would be a separate document from the Event Management Manual.

Mr. Rose said that many of the crowd control techniques are in the Event Management Manual and they were not able to review it and that is his only point. He said that he understood the need that in some areas that it can't be always public but in other areas it can be. He said he was just trying to make a point that it is very difficult for them

to come forward as concerned community people to make recommendations and to have intelligent discussions about what is going on in particular to the issues. He said he also wanted to say briefly to Commissioner Lee regarding the route of escape. He said he believes present policy says the crowd needs a route of escape and he just wanted to draw attention to a singular word which says that each individual has a route of escape. He said as they have gotten into this they have discovered that a lot of people in crowds often times have the sense that police officers see the crowd as a unit and that that unit has a route of escape but an individual in any given location in that unit does not have a route of escape. He said so whatever language the Commission looks at he would ask them to specify that an individual has a route of escape or route of dispersal before any force is used on them.

Commissioner Medina said that before the Commission proceeds further he had a question regarding process. He said he understood that they were going to address the various recommendations that were made as a result of the various input that was made i.e., from the Chief and his department input, from the SFPOA, Citizens input and he said he thought the Commission was going to address some of the recommendations that were made by the groups and consider those for adoption in establishing a good and effective Crowd Control Policy so, he said, I was prepared to address a number of those recommendations that were made but, he asked his colleagues, are we to vote on specific policy tonight?

Commissioner Giraudo said no the intention was to discuss this publicly as to what the various Commissioners concerns were, or opinions or whatever because it is something that the Commission is supposed to discuss in public as opposed to Executive Session.

Commissioner Nelder said that that was also his understanding. He said for instance it is important to discuss these matters to this point but to get down right practical about avoiding those kinds of physical contacts, this is what the ballgame is all about. He said the Chief indicated in his recommendations that Community Services was going to play a more important part and he wanted to know if that is going to become a reality.

Chief Jordan said yes, very definitely, and in a number of different ways. He said they would be working with their Event Management Team out of the Special Operations Bureau and they will also be coordinating all monitors, hopefully all monitors, like what is seen in Community United Against Violence who has monitors at many functions in the Gay Community. He said he would like to see every organization that has a demonstration or rally organize monitors and help to control the crowds and the SFPD would just be there as a periphery backup not just there to be right in the middle of a crowd. He said the better way to go would be to have monitors control their own crowds and the SFPD would be backup to help them as needed.

Commissioner Nelder said to his fellow Commissioners that he felt this was very valuable that the Community Services or Community Relations as it was called earlier, play a very important

part. He said this is not after, but before and during the process.

Chief Frank Jordan said Community Services would also be involved in working in advance with all groups in San Francisco to see whatever they could do to help with open communications before a demonstration or rally so that the SFPD can prepare, more effectively, in the future and avoid any confrontation.

Commissioner Nelder said Mr. John Crew and another person from the ACLU brought up the selection and psychological training concept and he is now asking the Chief what will be done about that.

Chief Jordan said if the Commission agrees with it, for the Tactical Division, the Administration will be looking at Stress Evaluation within that unit. He said every single officer who is attempting to go into the unit, as well as those who are in the unit at present, will be checked and the Department will also review their personnel folders once a year. He said they will then review it with the Police Commission on an annual basis who will then be the final arbiter.

Commissioner Giraudo said he was wondering if there couldn't be a policy statement in the form of a General Order that is supported by a training manual that is open to the general public. He said how long will it take to put together a training manual. He said the manual itself would have to be very detailed. A policy statement, he said, would not necessarily have to be detailed in terms of a general policy that may or may not speak to First Amendment Protection and the other protections that Commissioner Orr spoke to and some of the other things that are in the joint letter of the three organizations. He said he suppose that the Commission did, on other areas of concern, where its main policy statement or additional policy statement and also with respect to the OCC and cooperation with the OCC, they did the same thing. He asked if that was an impractical thing to do?

Deputy Chief Casey said that it was not impractical to come up with a General Order that they would bring up to the Police Commission. He said a General Order of some controversy that the Department could bring before the Police Commission and hope to get it passed in one night is impossible without months of preparation before hand. He said it is much like D-17 which will come before the Commission in two weeks. He said they have met not only with the POA but with many community groups and gotten their input. He said they would not be able to get this done in a week or two weeks as they would have a debate here on matters of disagreement before the Police Commission. He said so then when they come before the Police Commission, as they hope to do with D-17, there is an agreement with all of the groups that this is what the policy should be.

Commissioner Giraudo asked the Chief if he would be willing to meet with Mr. John Crew and his people. Chief Jordan said he would have no problem with sitting down with Mr. Crew or any organization. He said he feels what has to be done is to bring in some of the Chief's team and Mr. Crew will bring in some of his team and they will go through each item, speak of why the Department has arrived at its conclusions and go through Mr. Crew's but the Commission will eventually have to make the decision because the parties will not agree on everything.

Mr. Lester Almstead Rose, CUAV, said he still wanted an affirmation from the Commission that the Commission will uphold existing policy and he had not been given that affirmation as yet. He said that aside, he did not see what is controversial on their General Order. He said he would be delighted to meet with the Chief and his staff to talk about it a little bit more. He said what he would rather see is the Commission adopt a General Order here in a public meeting next week or whatever with those who are going to do the General Order. He said he felt it is here, it is not controversial, it has been out on the table for three months, and as far as citizens groups they have a list of 35 organizations that have endorsed it already. He said what he would rather meet and confer on is matters that he felt were a lot more controversial realistically than the General Order. He said specifically regarding the Tactical Squad, they went further in their recommendation and in their review process of the Tactical Squad and he thinks that psychological testing is one component but he felt there is more. He said there are other things in there that he felt that a meet and confer might be more useful even the use of the community liaison people and the Police Department. He said maybe they can meet and confer on how that can be flushed out and be really successful. He said he would rather see the Commission adopt this policy as a General Order and then move forward into meet and confer.

Commissioner Orr-Smith said that Mr. Rose has not read the Event Manual and that she had. She said to Mr. Rose that a lot of the things that he recommended are already included that they are already procedural tactics that are there. She said a number of them are all there, the considerations for the frequency of use of the Loud Hailer, that the announcement shall come from one to three minutes over a duration of time to be determined by the Commanding Officer. All of that flexibility, she said, all of that reasonableness is written into the procedure. She said based on the survey that the Commission had the Department undertake of all of the major cities across the country, as she said, she has been through this thing, tooth and nail, and all of it is consistent with what is currently practiced. She then told Mr. Rose that he was speaking from much less of an information base, but she understood and appreciated that, but also, on the other hand what she sees is that this document they have presented is not a policy statement. She said it speaks to specifics, the one that Mr. Crew wrote. She said she liked the first or principal goal, then she thought when she read it, there is no goal or purpose and when she read what Mr. Crew had written, it spoke to facilitate free speech. But what is the goal, she said, she thought to herself of crowd control isn't just that this is not a Nazi Moron, the goal is to control a crowd and that's the motivating factor behind the police methodology, the Training Manual and the Procedures that are set in place that every other major city in the United States agrees with. In fact, she said, to a greater extent and with greater control implements in place than San Francisco does. She said she thinks that San Francisco policy, just speaking with her own information that she has before her, and her experience, it is very, very good, it is very sad, it is very palatable. She said she thinks they have to, as Commissioners, weigh that in terms of how

effective this policy has been for this city over the past numbers of years that it has been in place against where it is going to go. She said, has it served us reasonably well? And she said with 200 demonstrations a year, she would say yes, it has. She said she has been to the TAC Squad, has read this Event Manual, has read the surveys, the summaries and she has read the Chief's recommendations which she said she felt are very courageous and very forth coming in terms of the modifications that they set forward. She said but she can tell this that no policy that you write on, she didn't care how many pieces of paper is ever going to guarantee you that another incident and injury of regrettable proportions will ever be pre-empted. She said, so let's look at it in a constructive light in terms of looking at something that works to protect the rights of citizens but also provides the opportunity for our police department to do what we have charged them to do, control the crowd, protect the citizens and the well being of all concerned and that's the ultimate goal of this Commission and its motive. She said now in terms of your (Mr. Crew's) statement of policy, it is very good, it is a start, it is a beginning, but to facilitate free speech, that's not the ultimate goal of crowd control. She said you need to look at and include in that what our objectives are towards doing that. She said that ought to be in the policy statement. So, she said to Mr. Rose, when he says to adopt this she said she could not do that because she knows that there are other issues that the Commission must consider before they can arrive at this. She said and in terms of specifics that are contained in this document they are already addressed in the Event Manual, the Crowd Control Component of that to a certain degree, and can certainly use some modification. But, she said, if we are talking about policy statement she would like to see all parties work around the goals of the demonstrators as well as the goal of the police in terms of what their responsibilities are.

Commissioner Medina said that without going into the specifics he use the General Order issue as a starting point for the discussion because that was one of the first things that he heard brought up and also because he had heard the statement made that San Francisco did not have a specific Crowd Control Policy. He said so he felt that by framing it in the form of a General Order directly on point at least you can refer it to a Crowd Control Policy as such in regard to what will be included in that General Order. There are a number of things, he said, that can be included. There are a number of good suggestions that have been made, a number of good recommendations that are limited to those made by the three organizations, but that were made by some other members of the public that addressed the Police Commission.

Commissioner Orr asked Captain Welch to comment on illegal or unlawful assemblies. Captain Welch responded by saying it would be based on the tenor of the crowd, what they would be looking at as far as unlawful assemblies would be acts of violence. He said, for instance, people going into the streets and starting to trash, committing acts of malicious mischief and vandalism, then, he said, they start advising them of the illegal activities going on and that they are going to have to leave the area. He said neighbors complaining about the noise is not reason enough to disperse the crowd. Commissioner Orr said what she found very interesting while

comparing the summary of the survey that the Department did from the various departments, is that they mention bayonets being used by a department in Ohio. She said the overall summary was that San Francisco's Crowd Control Procedures compare favorably to those in place in progressive cities and frequently exceeds the others in terms of temperament and reservation. She said the final conclusion was that in cities such as New York and Chicago that the mass theory, swamping a crowd is probably the most desirable way of responding. She said in other words these other bodies in blue uniforms being there. She said personally she liked that as opposed to weapons simply because she was trained in the use of the baton. She said it is a hideous thing to think about doing, hitting someone in that way, it is the least desirable job that she ever did as a police officer was crowd control. She said it was the most frightening, the most intimidating, the most repulsive thing that a police officer could ever have to do to stand there and face down 500 people shaking barricades and ranting and raving when just a few years earlier on a College Campus at Wayne State in Detroit, she was protesting the Vietnam War. She said it was very startling and chilling to have to stand before that. She said, so those of you who think that police are out there just as ogres and enjoy doing this you are dead wrong. She said because it is the most frightening position you will ever be in to try to control or be the barrier between 500 or 5000 people who are ranting and raving and take it out on you personally as a representative of all of their anger or hostility are the system they oppose when you personally might not have any opposition at all to what they are protesting but in terms of the training or what the training requires and expects of you and again the goal is Crowd Control, hopefully tempered and moderate to the point that all people are allowed to express themselves safely. She said and that includes people who are not protesting who just want to get across the street and are suddenly swept up in this crowd and who are out of control and then their rights, their personal individual rights are compromised as a result of that. Those people, she said, are also the concerns of the police too as well as the merchants, the woman with the baby carriage, the woman who doesn't speak English and doesn't know what the heck the crowd is all talking about. She said all those are the kinds of factors they consider when they deliberate. She said they look at the personnel of the police officers, too. She said they are human too, they bleed, they can get hurt and imagine if the barricades go down and 5000 people start walking over you. She said she did not care what kind of helmets you may have, they will not save you from that crowd busting your head. She said, so, that is the reality and when she looks at this material, which she has gone over very painstakingly, every letter and every recommendation for this very same reason, because, she said she has had both sets of experience, having been a protestor and having been a person who is charged to maintain order and it is not an easy task. She said and to try to wade through this means that the Commission has to respond very responsibly. So, she said, rest assured that all of that is going to be considered that the Commission is reading and listening to all of it.

Commissioner Lee said there are a lot of recommendations from different organizations along

with the Chief's recommendations. He said he wondered if it was possible for the Commission to prepare some kind of draft policy statement and then invite Mr. Crew's people and the Chief and a representative from this Commission to work on this draft.

Commissioner Giraudo advised Commissioner Lee that in order for the Commission to do this draft it would have to be done in public and they could not meet in private to ferret it out and that is one of the dilemmas he has seen tonight develop in terms of the complexities and in terms of the difficulties that Commissioner Orr has expressed. He said he too had read all of the recommendations came forward and reviewed the summaries that were submitted to the Commission by the Department with respect to other jurisdictions throughout the United States. He said then each individual Commissioner could prepare a draft.

Commissioner Medina then asked if the Commission could move that Crowd Control Policy language be incorporated in a General Order to be put together by the Department in cooperation with the input of the groups that have made public input at the Hearings.

Commissioner Nelder said that he thought that would be a step in the right direction and he thought it would be very orderly to do that more so than having a Commissioner participate.

Commissioner Medina then said because the General Order would come back to the Commission with Public Discussion before adoption, he said if you develop a Procedures Manual that's going to be used for implementing the General Order, you need public policy so you can measure the procedures that you are going to be applying against it to see if they are in compliance with the policy.

Commissioner Giraudo then spoke to Mr. Michael Langer, Director of the OCC. He asked the Director if he was presently being notified by the Department in advance when a demonstration is going to occur. Mr. Langer acknowledged that this was generally being done but that they are not presently video taping demonstrations. He said if they felt it should be video taped then they would but if not then they would not so it would depend upon the circumstances.

Chief Frank Jordan then advised that here again he was not sure as to how they could set down into a clear, concise policy that they can do the same thing everytime. He said here is an example of three different things that can be done at different demonstrations, whether you video tape, whether you send someone or whether no one goes. He said so how do you guarantee that that General Order or Policy would be the same every time. After much further discussion Commissioner Medina again said he would like to move the Commission proceed to draft a General Order specifically on point in regard to Crowd Control.

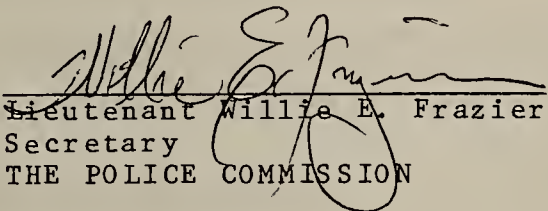
Commissioner Giraudo said he wanted to understand what was being moved because he thought it was going to be a General Order that is a policy statement as opposed to something that would be supported by a Training Manual that will become a working document.

Commissioner Medina said he would incorporate that into his motion. Commissioner Nelder seconded and it was unanimously approved.

Commissioner Giraudo said he would expect that the Commission would meet next week and that the process and General Order will be ongoing but he felt they will have to address the issues that will be part and parcel of the Training Manual and the issues of process and selection. He said so next week the Commission should be prepared to ask any further questions.

Commissioner Medina said he had one more question and that was would the Commission be getting a response from the City Attorney in regard to its jurisdiction over the matter in question. (Huerta matter)

Commissioner Giraudo said he called today and the Commission should get an opinion at some point next week. The meeting, thereafter, was adjourned at 8:35 p.m.


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

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JANUARY 11, 1989

REGULAR MEETING

Minutes
The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, January 11, 1989 at 1730 hours in a Regular Meeting.

Commissioner Giraudo presiding.

DOCUMENTS DEPT.

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

APR 25 1989

ABSENT: Commissioner Nelder

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APPROVAL OF MINUTES OF MEETING OF OCTOBER 5, 1988

Approval of Minutes of Meeting of October 5, 1988, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 42-89

DOLFUS N. BORINAGA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dolfus N. Borinaga in the sum of \$1,852.54 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 27, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 43-89

GLENN SYLVESTER vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Glenn Sylvester in the sum of \$1,200.00 entitled "Glenn Sylvester vs. City and County of San Francisco" in U.S. District Court No. C87-4195 DLJ as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 31, 1981 and
continuing

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 44-89

RICHARD HUNTS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Richard Hunts in the sum of \$541.43 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 5, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 45-89

DAN DIEZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dan Diez in the sum of \$247.41 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 13, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 46-89

THOMAS BIRD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Thomas Bird in the sum of \$235.00 for reimbursement of money, be, and the same is hereby approved.

Date of Incident: November 16, 1987

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 47-89

CITY TOW (ROGER ANTONIO)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Roger Antonio) in the sum of \$195.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 24, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 48-89

BEVERLY M. DARIA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Beverly M. Daria in the sum of \$190.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 29, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 49-89

CITY TOW (H. ABUKHALF)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (H. Abukhalf) in the sum of \$190.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 16, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 50-89

CITY TOW (CARLOS A. CRUZ)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Carlos A. Cruz) in the sum of \$175.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 16, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 54-89

CITY TOW (LAURA S. HABER)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Laura S. Haber) in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 18, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 55-89

CITY TOW (FAUSTO CESAR BRYALY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Fausto Cesar Bryaly) in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 2, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 56-89

CITY TOW (PEDRO G. CASANOVA)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Pedro G. Casanova) in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 3, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 57-89

CITY TOW (RONALD CHAVARRIA)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Ronald Chavarria) in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 12, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 58-89

CITY TOW (SUSAN MARIE COHAN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Susan Marie Cohan) in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 18, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 59-89

CITY TOW (ELLEN L. YOUNGHAUS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Ellen L. Younghaus) in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 28, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 60-89

CITY TOW (LENOREY YOGORE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Lenorey Yogore) in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 7, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 61-89

CITY TOW (LINDA STEWART)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Linda Stewart) in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 20, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 62-89

CITY TOW (ARCELIA ALVAREZ)

resolved, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Arcelia Alvarez) in the sum of \$165.00 as a result of faulty tow, be, and the same is hereby approved.

Date of Incident: July 4, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 63-89

CITY TOW (MEIKE HOEPNER)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Meike Hoepner) in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 24, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 64-89

CITY TOW (YUE SHU LI)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Yue Shu Li) in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 20, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 65-89

CITY TOW (JULIO LOPEZ)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Julio Lopez) in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 30, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 66-89

CITY TOW (JEANNIE MANCILLA)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Jeannie Mancilla) in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 11, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 67-89

CITY TOW (HUMBERTO MARTINEZ)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Humberto Martinez) in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 17, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 68-89

CITY TOW (DAVID P. NOLAN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (David P. Nolan) in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 19, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 69-89

CITY TOW (JEFFREY REENAN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Jeffrey Reenan) in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 2, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 70-89

CITY TOW (SANTOS RIVERA)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Santos Rivera) in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 2, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 71-89

FREDDIE WEINSTEIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Freddie Weinstein in the sum of \$162.50 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 11, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 72-89

CITY TOW (GARY L. HERWICK)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Gary L. Herwick) in the sum of \$160.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 28, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 73-89

CITY TOW (ALLEN SUN TAN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Allen Sun Tan) in the sum of \$160.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 5, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 74-89

BARBARA J. ULLOA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Barbara J. Ulloa in the sum of \$150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 16, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 75-89

PRESTON ROSE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Preston Rose in the sum of \$150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 19, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 76-89

DR. J. W. MOHRBACHER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dr. J. W. Mohrbacher in the sum of \$150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 9, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 77-89

MARTIN J. KENLON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Martin J. Kenlon in the sum of \$150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 27, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 78-89

JACQUELINE PODGORNÝ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jacqueline Podgorny in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 2, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 79-89

DELFIN A. MENDOZA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Delfin A. Mendoza in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 18, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 80-89

NOAH PRICE JACOBS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Noah Price Jacobs in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 28 - 31, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 81-89

DON BERGER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Don Berger in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 26, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 82-89

MICHAEL & LORI PAVICH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael & Lori Pavich in the sum of \$125.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 12, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 83-89

THE CITY TOW (MITCHELL WOFCHUCK)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Mitchell Wofchuck) in the sum of \$125.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 27, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 84-89

EDMUND WAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Edmund Wan in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 23, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 85-89

AUDREY POWERS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Audrey Powers in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 25, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 86-89

JAMES R. MULHOLLAND

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James R. Mulholland in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 23, 1989

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 87-89

MICHAEL MAHER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael Maher in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 9, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 88-89

SARAVUT "WOODY" CHANBANCHONG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Saravut "Woody" Chanbanchon in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 4, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 89-89

STEPHEN CSIKLAI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Stephen Csiklai in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 1, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 90-89

CAROLYN WASKOM

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Carolyn Waskom in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 30, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 91-89

CHRISTOFOROS PAPAGIANNIS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Christoforos Papagiannis in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 30, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 92-89

JUAN RIVERA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Juan Rivera in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 6, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 93-89

RIVKA LIVNI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rivka Livni in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 10, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 94-89

HENRY JONES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Henry Jones in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 9, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 95-89

PETER E. GOYTON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Peter E. Goyton in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 10, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 96-89

CATHERINE BOWES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Catherine Bowes in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 12, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 97-89

LEE CALLISTER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lee Callister in the sum of \$100.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 7, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 98-89

RENEE C. PAISLEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Renee C. Paisley in the sum of \$100.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 29, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 99-89

RAYMOND CHALKER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Raymond Chalker in the sum of \$100.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 25, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 100-89

DEBORAH GUERRERO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Deborah Guerrero in the sum of \$100.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 4, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 101-89

LIONG S. OEIJ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Liong S. Oeij in the sum of \$95.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 10, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 102-89

DIANA S. YONKOUSKI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Diana S. Yonkouski in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 17, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 103-89

SUSAN WHITMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Susan Whitman in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 16, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 104-89

LAURIE SCHIMMELMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Laurie Schimmelman in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 22, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 105-89

CARLOS MACIAS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Carlos Macias in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 30, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 106-89

FRANK DAMATO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Frank Damato in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 28, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 107-89

MINA EGHBAL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mina Eghbal in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 3, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 108-89

PATRICIA OGDEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Patricia Ogden in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 12, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 109-89

MARA E. ROSALES-CORDOVA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mara E. Rosales-Cordova in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 8, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 110-89

SHIRLEY LONGFELLOW-TODIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Shirley Longfellow-Todin in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 28, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 111-89

GORDON HO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gordon Ho in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 12, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 112-89

JOANNE DURAY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joanne Duray in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 1, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 113-89

ANNA CHAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Anna Chan in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 14, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 114-89

ELIZABETH D. CAPALDI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Elizabeth D. Capaldi in the sum of \$80.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 11, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 115-89

MARY B. BRYAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mary B. Bryan in the sum of \$75.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 10, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 116-89

WARREN L. JACKSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Warren L. Jackson in the sum of \$70.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 22, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

RESOLUTION NO. 117-89

KIMBERLY KELLY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kimberly Kelly in the sum of \$35.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 11, 1988

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

POLICE COMMISSION REPORT

Commissioner Giraudo announced that there is no Police Commission report this evening.

(a) PUBLIC COMMENTS

Mr. John O'Brien, also known as the Red Stinger, said he understood that this afternoon Mr. Thompson filed a complaint with OCC assisted by Jean Harris of Supervisor Britt's Office. He said so accordingly he would like to postpone his asking the Commission to look into that for another week at least. He said on another issue he would like to talk about the Homeless Task Force. He said in that regard he had with him tonight six (6) copies of their welfare reform proposal. He said at a later date he would like to speak to each Commissioner and the Chief in private to give them an idea of what it is about and why he has presented it to them.

At this point an unidentified woman said she would like to address the Commission on the matter of high speed chases in the city. She said what happened last weekend at California and Baker was not an accident. She said a six (6) year old was killed and there are three (3) broken bodies in the hospital somewhere right now who may never be whole again. She said you cannot give a law enforcement officer the power to make a decision about the value of human life. She said when that law enforcement officer decided to chase that suspect he decided that any human lives taken because of that were worth catching this person and retrieving stolen property. She said nobody has the right to risk human life in order to retrieve stolen or whatever that allows a law enforcement officer to make that kind of decision must be expunged. She said the citizens of the city are entitled to protection from law enforcement officer they should not have their lives at risk.

Chief Frank Jordan said this particular incident, the investigation of which is still ongoing, happened in the area where the Department had undercover officers from Park Police Station who were there because the previous day there were four (4) individuals arrested in a drive by shooting with automatic weapons. He said those suspects were dealing in narcotic sales. He said the officers responded and spotted a car in the same exact location, checked the license number, it came back as stolen and that the suspects were wanted for strong arm robbery. He said then the officers had three (3) reasons to investigate, a stolen vehicle, strong arm robbery suspects and narcotics dealing going on. He said the officers asked for backup and as they were approaching the car, the individuals jumped back into the car and sped away at a high rate of speed. He said the officers called for other cars to intercept but while doing so the suspects went through five (5) straight red lights. He said the officers did not and that they slowed down at each light using their own red lights and siren. He said this incident lasted a total of 30 seconds and that the officers were not planning to pursue in any kind of a lengthy chase at all and were only trying to get the information to the other police vehicles so that they could intercept the suspects. He said he believes that if the officers had immediately stopped, the two suspects knew they had been spotted by the police and were going to speed away at a high rate regardless of whether or not they were being chased. He said so there is still more to be determined on this investigation. He said after the accident there was cocaine found in the suspect's car and the suspects do have criminal records.

Commissioner Giraudo advised the unidentified woman that the Commission would see the report after the investigation has been completed. He said the Commissioners have expressed concern but they can only wait and see what the outcome of the investigation reveals before a determination of what should be done can be made. He said to the woman that she has made a statement and that he could not say that he concurs or disagrees with her chase but it is something that the Commission will be taking a look at.

At that point the woman said that her name was Barbara Haile.

Mr. Frank Martin Del Campo, Field Representative for Local 790, after giving a historical review of the struggle of the labor movement, said as long as the police are viewed as the armed force sleeves and are part of and parcel of the citizenry then that is what he believes the goal should be and he would ask that in the Commission's discussion in Tactics and Procedure that the Commission bear that in mind as the only real solution to the question that plagues everyone.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Frank Jordan said he had one additional item he wanted to bring to the Commission's attention which is also very much high profile in the news. He said that is the drive by shootings and narcotics escalation, and some of the issues of the arrest the Department has been making, and some of the concerns the Department has with more showing of automatic weapons on the streets of San Francisco. He said he had for the Commission tonight, who is in charge of the Department Narcotics Enforcement Team, Captain Tim Hettrich, to make a report.

Captain Hettrich then gave the Commission an overview of the unit and its responsibility for enforcing the Narcotics Laws in an about all of San Francisco. He said in the past nine (9) months they have made 7,444 arrests. He said, also, during that same period of time, his unit received 15,961 subpoenas which is over 50% of the subpoenas sent out to the SFPD. The captain also gave an overview as to how his unit managed to get to the bottom of the drive by shootings occurring between gangs of the Sunnydale Housing Project, Hunterspoint Gang members and Third Street Gang members. He said so basically the shootings that everyone has read about in the papers have all been solved. He said this was done by a combination of his unit, Potrero Station, the Gang Evaluation Response Team under Captain Murphy and the Intelligence Division. he said they identified all of the shooters, all of members of the gang and as of this moment they have placed all of the members of the Sunnydale Gang in jail.

Commissioner Orr who has ridden with the Unit said she would like to applaud the Captain for the exciting job that he is doing. She said for those who watch television it is not at all like that but it is very impressive.

Chief Jordan said he wanted to compliment Captain Tim Hettrich as well as the patrol force in each of the nine (9) District Stations because what the Commission is hearing is some very difficult and stressful job assignments that they are all undertaking.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Director of OCC, Mr. Michael Langer, said that last week Mr. Wayne Thompson, after appearing before the Commission, was advised to file a complaint with the OCC. He said the OCC did receive a complaint this morning and the OCC is investigating it. He said the second item is that they had asked for

their budget item to be placed on this night's Commission agenda and it was inadvertently left off. He said he spoke to Lieutenant Frazier and requested that he re-calendar it for next week.

POLICE COMMISSION DISCUSSION AND DECISION ON IMPROVING SAN FRANCISCO POLICE DEPARTMENT CROWD CONTROL PROCEDURES AND POLICIES

Commissioner Giraudo asked if any of the Commission had any additional questions to that which they were asking last week of CUAV, ACLU and NLG and the Department. In responding to Commissioner Lee, who said it was his understanding that Mr. Crew and the Chief was to submit some kind of report, Commissioner Giraudo said that what the Commission did last week was to pass a Resolution ordering the Chief and the Department to meet with the various Community Groups to put forward a General Order, that is a General Statement of Policy, with respect to Crowd Control. He said the Commission had said that it would vote this evening on those recommendations that were made in addition to the General Policy Statements that would speak to the Training Manual that the Chief announced last week which would be formulated and made to be a public document; but that it would contain all of the details of Crowd Control in the future; and that there were certain changes or amendments that the Chief wished to make, and recommendations that he made were somewhat in response to the recommendations that were made by the other groups, and that was what the Commissioners were asking questions about last week. He said, so, the Department now has a General Order that will be coming forth from those groups that are participating along with the Chief and the Deputy Chief but this evening was the Commission's intention to vote in those recommendations or any changes to the recommendations that the Commission saw fit. He said his reading of the Chief's recommendations, personally, is that he felt in large part they answer most of the concerns that were raised by the groups that proposed recommendations. He said he felt they speak mainly to training and he was in support of those particular amendments or changes.

Commissioner Orr said that she agreed with Commissioner Giraudo in terms of content and quality of the Chief recommendations. She said she was very satisfied with them in total. She said she felt they were all encompassing of the other recommendations, many of which were duplicated, and again this last week it was expressed that the Commission wished to invest in the Department and Community a project to develop a Policy Statement for the Department relative to Crowd Control in the future, and now look forward to the development of the Training Manual and Procedures. So, she said, with that, if a motion is in order, she would assume that someone or she should move to accept the Chief's recommendations as submitted to improve the Crowd Control management of the Department in the future.

Mr. Bob Barry of the SFPOA said that just a point of clarification from their perspective that they agreed in principle and in writing to the Commission conceptually on the recommendations that

the Chief of Police put forth a few weeks ago subject to meet and confer and so, he said, he would assume tonight the Commission is conceptually adopting the subject to the meet and confer process.

Commissioner Giraudo said yes as they were proposed by the Chief in the form that he proposed when they spoke to the meet and confer and all of the Commission's previous meetings, Deputy Chief Casey has indicated a meet and confer would be necessary on anything that was a change in working conditions.

Commissioner Orr said to Mr. Barry that the Commission did have some questions and unfortunately he was not here last week. She said one of the recommendations from the ACLU was review of officer's files and the Commission was interested to hear the POA's objections and concerns with respect to public scrutiny of the files of police officers assigned to the Tac Unit as outlined in the ACLU's recommendations.

Mr. Barry responded by saying that the lawyers of the SFPOA submitted a 6 or 7 page brief outlining not only the philosophical but certainly the legal restrictions as the SFPOA saw fit to present to the Commission. He said he believed the Commission is in receipt of that and he was not aware that was going to be some public discussion on this tonight, therefore, the attorney's are not here to address that brief that was sent to the Commission.

Commissioner Giraudo said it was a question that was raised last week and that the Commission did receive the letter of November 16th, 1988, the one that spoke to the legal reasoning. Mr. Barry said there was another brief that was dated just a few days ago, January 10, 1989, so the SFPOA's reasons are articulated in that particular brief that was submitted by their attorneys.

Commissioner Medina said the only comment that he had is that the Commission is voting strictly on the recommendations directed at Crowd Control that the Chief made and not his report in total.

Commissioner Giraudo agreed saying that the Commission is voting only on those recommendations. He said the Commission is not voting on anything that involves the Bush Demonstration or the Huerta Incident, the Commission is simply voting on the recommendations of the Chief with respect to the future Crowd Control details or specifics that will support the General Order that the Commission is hoping that the Department and the interested Community Groups will formulate.

Chief Jordan said that contact has been made with those community groups and his staff is now working on the time that is agreeable to all to have the meet and confer and discuss the mechanics of a General Order with a broad overview of exactly what Crowd Control, use of Batons and the First Amendment Rights would be. He said from his point of view the Department is ready to go forward at any time as long as everyone can be gotten together.

Mr. John Crew, ACLU, said he had received a call from Lieutenant Pecinovsky and they are in the process of going forward and hopefully they can expedite it faster but so far it has not been possible and they haven't gotten very far.

Commissioner Giraudo said obviously the sooner it can be done the better off we are. He said, at least, as he read those statements, the general statements of policy that were proposed by the ACLU and the other groups, they were general, they were generic in many instances and there were only a few specific things that he thought were in there that might cause some real technical discussions or arguments. He said but he would hope that all parties could get the process. He said it would be most valuable to get it into the hands of all of the Department members, the General Order and the Training Manual, and that the Training Manual becomes a public document so that people can understand, across the board, what Crowd Control Policies in this city will be. He said he personally believes by virtue of what the Chief has recommended that they will be the most progressive policies that exist.

Commissioner Lee at this time seconded Commissioner Orr's motion.

Thereafter, the Commissioners unanimously voted to adopt the Chief's recommendations.

RESOLUTION NO. 39-89

POLICE COMMISSION DISCUSSION AND DECISION ON IMPROVING SAN FRANCISCO POLICE DEPARTMENT CROWD CONTROL PROCEDURES AND POLICIES

RESOLVED, that the Police Commission hereby approves the Chief's 12-point Proposal for the San Francisco Police Department to improve the existing procedures in necessary areas as delineated.

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

Mr. Lester Almstead Rose, CUAV, said he wanted to point out that some of the things in the Chief's recommendation did not necessarily coincide with theirs and he was hoping that he could make sure that the Commission is very much aware of them. He said they agreed with the General Order but they had some specific recommendations on the OCC and his assumption is that those questions will be dealt with within the Commission's Budget Process since that is where they stand now. He said that premise is specifically that the OCC is brought up to full a real needs budget and then finally what the Commissioner had spoke about before with Officer Barry, two things, regarding the Tac Squad so that they can be assured that that unit is in fact doing their job, that they in fact are doing it well, and that they can work on this process of sharing information of public scrutiny and building the public trust. He said if they can't see it on an anonymous basis at least a statistical outline of this kind of information on the Tac Squad should be available as submitted in their proposal. He said also on the Tac Squad there still remains in the Chief's recommendations no specific written standards for how people are going to get in there. And once again, he said, when you talk about building the public trust on the one hand, and on the other hand protecting the city from law suits, then really you must lay out very clear cut procedure, i.e., how do people get into this Tac

Squad, what kind of requirements are there. He said he was not and he did not think they were requesting what those requirements or standards should be, he said, their request is specifically to let's have standards. He said the Department decides on the standards and they, at some point, wanted to talk about it. He said he felt they were asking the Commission and Department to agree in principal to put some kind of standards in place. He said there are other smaller things but he felt those are the major ones unless somebody else in his group wants to add something.

After further discussion on Tac Squad anonymity it was proposed that a statistical analysis be done of numbers of arrest made by the unit as opposed to complaints filed against the unit over a given period of time. Something similar to what OCC releases statistical wise on Departmental Units.

Chief Jordan said he did not have a problem with providing that information and that he could tell the Commission by next week as to when he could have that information available.

RESOLUTION NO. 40-89

REVISION OF DEPARTMENT GENERAL ORDER R-2, "NOTIFICATION OF COMMAND STAFF REGARDING SERIOUS INCIDENTS"

RESOLVED, that the Police Commission hereby approves the revision to Department General Order R-2, "Notification of Command Staff Regarding Serious Incidents".

AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith

ABSENT: Commissioner Nelder

HEARING OF POLICE OFFICER JOSEPH ARSANIS, CRIMINAL INFORMATION DIVISION - RECORD ROOM

The hearing of the disciplinary charges filed against Police Officer Joseph Arsanis, Criminal Information Division - Record Room, was called it having been set for this date. Police Officer Joseph Arsanis was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency, or discipline of the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Police Officer Joseph Arsanis appeared in person and was represented by Mr. Patrick Hallinan and Ms. Jill K. Schlichtmann, Attorneys at Law.

An opening statement was made by Mr. Michael Gash for the Prosecution.

An opening statement was made by Mr. Patrick Hallinan for the Defense.

The following witnesses were called by the Prosecution, were sworn and testified:

Sergeant James Baca, Management Control Division
Mr. Robert Buchanan, 3311 Mission St.
San Francisco, CA
Mr. Clay K. Petroff, Merchant Seaman

The following exhibits were entered into evidence by the Prosecution:

Exhibit #1 Letter from Clay K. Petroff, Chief Officer, Pacific Gulf Marine, to Lt. Gary Pisciotto, dated 10/15/88

Exhibit #2 Photocopies of six officers, one being Officer Arsanis

The following witness appeared for the Defense, was sworn and testified:

Officer Joseph Arsanis, Record Room

The following exhibits were entered into evidence by the Defense:

Exhibit A Photocopy of Sections 70-71, California Penal Code

Exhibit B Letter from Officer William H. Wohler, Ingleside Station, addressed to "To Whom It May Concern" re Officer Arsanis

Exhibit C Audio Tape of Officer Arsanis, 11/7/88

Closing statements were made by both Prosecuting and Defense Attorneys.

The Commission took the matter under submission, recessed and returned, finding that Specification No. 1 is sustained.

Based on those findings, the Commission requested a recommendation from Chief of Police Frank M. Jordan. It is the recommendation of the Chief of Police that Officer Joseph Arsanis be terminated.

The Commission took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 41-89

DECISION - HEARING OF POLICE OFFICER JOSEPH ARSANIS, CRIMINAL INFORMATION DIVISION - RECORD ROOM

WHEREAS, on November 1, 1988, Frank M. Jordan, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Joseph Arsanis, and

WHEREAS, the Commission having heard the matter, makes the following findings of fact as set forth in the following charges:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency, or discipline of the

department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

- (1) At all times herein mentioned, Joseph Arsanis, Star No. 1234 (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department and assigned to the Criminal Information Division - Record Room. However, on October 25, 1988, at approximately 1100 hours, the accused was suspended pending the hearing of charges before the Police Commission;
- (2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;
- (3) On or about August 15, 1988, Management Control Division received information that a police department employee working in the Record Room was supplying accident reports to an individual who was soliciting potential clients for a private law firm;
- (4) Lieutenant Phillip Dunnigan, Officer-In-Charge, Record Section, was contacted separately by a civilian and an attorney representing four (4) different clients with a complaint of allegedly being solicited by an individual on behalf of various law firms within two (2) days after each individual was involved in a separate traffic accident;
- (5) The Management Control Division investigation discovered that the above solicitations were made by an individual who referred the persons involved in the traffic accidents to specific law firms;
- (6) On or about September 13, 1988, Sergeant James Baca, Star No. 58 of the Management Control Division, located and questioned the individual who was soliciting persons who were involved in traffic accidents, for various law firms;
- (7) On or about September 27, 1988, the individual questioned by Sergeant Baca, identified the accused as one of the persons within the Police Department who supplied him with accident reports;
- (8) Between approximately April 1988 and September 1988, the individual who solicited persons involved in traffic accidents for law firms received approximately thirty (30) to seventy (70) accident reports a week from the accused and another member of the San Francisco Police Department;
- (9) Between approximately April 1988 and September 1988, the individual who solicited persons involved in traffic accidents for law firms, paid the accused and another member of the San Francisco Police Department approximately seven hundred and fifty (\$750.00) in cash a week;

- (10) As a member of the Record Unit, the accused had access to the San Francisco Police Department accident reports and removed and provided San Francisco Police Department accident records to an unauthorized person;
- (11) The accused, by removing San Francisco Police Department accident reports and supplying them to an unauthorized person who solicited persons named in the accident reports for law firms, by receiving money for supplying San Francisco Police Department accident reports to an unauthorized person, has engaged in conduct which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, January 11, 1989, and on Wednesday, January 11, 1989, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specification No. 1 as preferred by the Chief of Police against Police Officer Joseph Arsanis are sustained by a preponderance of evidence presented; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

Specification No. 1 Termination

RESOLVED, that said termination, effective January 12, 1989, 8:00 a.m., be, and the same is hereby affirmed and approved.

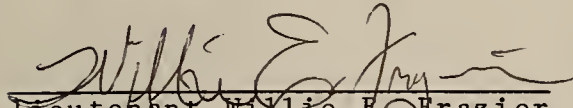
AYES: Commissioners Giraudo, Lee, Medina,
Orr-Smith
ABSENT: Commissioner Nelder

Recesses taken during the hearing of Officer Joseph Arsanis:

8:00 p.m. to 8:12 p.m.
9:20 p.m. to 9:33 p.m.
9:37 p.m. to 10:13 p.m.

(The entire proceedings were taken in shorthand
form by Ms. Linda Pransky, CSR.)

The meeting, thereafter, was adjourned.


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/rt
W/4794M

Minutes
JANUARY 18, 1989

SPECIAL MEETING

DOCUMENTS DEPT.

MAY 8 1989

SAN FRANCISCO
PUBLIC LIBRARY

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, January 18, 1989 at 1600 hours in a Special Meeting.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

MEDAL OF VALOR AWARDS CEREMONY

COMMISSIONER GIRAUDO: "Welcome ladies and gentlemen. It is a privilege to have you all here today to honor San Francisco Police Officers during the course of the ceremony in which they will receive Medals of Valor. We, as a Department in the past few months has had some bad or ill publicity and I would just like to say tonight that this is one of the pleasures of being a Police Commissioner but further, that members of the SF Police Department that are being honored here tonight are not the exception to the rule but that they are the rule. And they are why we are so proud of the SFPD and why we know we have a good and excellent Department. And we continue to strive to maintain those standards that they have set and that we have set together. So I ask you all to enjoy and be proud of those officers that you are here with today to honor and we will now go on with the ceremony."

SILVER MEDAL OF VALOR

Sergeant William Davenport
Sergeant Michael Lawson
Police Officer Alex Bini
Police Officer Daniel Gardner
Police Officer Joseph McCloskey
Police Officer John Payne

BRONZE MEDAL OF VALOR

Police Officer Matthew Castagnola
Police Officer David Herman
Police Officer Pablo Ossio
Police Officer George Paganucci
Police Officer Gregory Randolph
Police Officer Keith Sanford
Police Officer John Schmolke
Police Officer Richard Sheehan
Police Officer Donald Shockley
Police Officer Thomas Yuen

MERITORIOUS CONDUCT AWARD

Police Officer David Oberhoffer
Police Officer Edward Santos

JANUARY 18, 1989

CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, January 18, 1989 at 1700 hours in Closed Session.

Commissioner Giraudo presiding.

1. Attorney-Client Conference
2. Personnel Matter

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

APPROVAL OF MINUTES OF MEETING OF OCTOBER 12, 1988

Approval of Minutes of Meeting of October 12, 1988, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 118-89

NANCY FADHL vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Nancy Fadhl in the sum of \$170,675.20 in U.S. District Court Case C79-2119 and in U.S. Court of Appeals Case Nos. 85-2361 and 85-2541 for payment of court ordered attorneys' fees be, and the same is hereby approved.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 128-89

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION vs. SAN FRANCISCO POLICE DEPARTMENT, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of the Equal Employment Opportunity Commission in the sum of \$160,000.00 in U.S. District Court No. C86-1328 EFL entitled "Equal Employment Opportunity Commission vs. San Francisco Police Department, et al" as a result of damages sustained, be, and the same is hereby approved.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 129-89

SUSAN WAGNER, et al vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Susan Wagner, et al in the sum of \$11,000 in Superior Court Nos. 818-165 and 870-513 entitled "Susan Wagner and James Michael Williams vs. City and County of San Francisco, et al" as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 8, 1986

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 130-89

SHERRY KAMHI vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Sherry Kamhi in the sum of \$7,000.00 in Superior Court No. 860-050 entitled "Sherry Kamhi vs. City and County of San Francisco, et al" as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 23, 1985

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 131-89

CITY TOW COMPANY (various towees - #8802196)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (various towees) in the total sum of \$4,355.00 for towing or storage charges occurring on various dates be, and the same is hereby approved.

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 132-89

CITY TOW COMPANY (various towees - #8802572)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (various towees) in the total sum of \$3,720.00 for towing or storage charges occurring on various dates be, and the same is hereby approved.

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 133-89

CITY TOW COMPANY (various towees - #8802573)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (various towees) in the total sum of \$3,515.00 for towing or storage charges occurring on various dates be, and the same is hereby approved.

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 134-89

CITY TOW COMPANY (various towees - #8802197)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (various towees) in the total sum of \$3,067.50 for towing and storage charges occurring on various dates be, and the same is hereby approved.

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 135-89

CITY TOW COMPANY (various towees - #8801968)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (various towees) in the total sum of \$2,875.00 for towing and storage charges occurring on various dates be, and the same is hereby approved.

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 136-89

CITY TOW COMPANY (various towees - #8802575)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (various towees) in the total sum of \$2,010.00 for towing and storage charges occurring on various dates be, and the same is hereby approved.

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 137-89

CITY TOW COMPANY (various towees - #8802616)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (various towees) in the total sum of \$1,285.00 for towing and storage charges occurring on various dates be, and the same is hereby approved.

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 138-89

ANTHONY LaFON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Anthony LaFon in the sum of \$380.00 for towing and storage charges be, and the same is hereby approved.

Date of Incident: August 11, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 139-89

CITY TOW COMPANY (various towees - #8802618)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (various towees) in the total sum of \$370.00 for towing or storage charges occurring on various dates be, and the same is hereby approved.

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 140-89

THOMAS D. JACKSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Thomas D. Jackson in the sum of \$340.00 for towing or storage charges be, and the same is hereby approved.

Date of Incident: September 16, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 141-89

CITY TOW COMPANY (BILLY ALLAN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Billy Allan) in the sum of \$340.00 for towing or storage charges be, and the same is hereby approved.

Date of Incident: September 4, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 142-89

CITY TOW (ALFARO IUANIO)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Alfaro Iuanio) in the sum of \$250.00 for towing or storage charges be, and the same is hereby approved.

Date of Incident: August 23, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 143-89

ANTHONY P. CARION

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Anthony P. Carion in the sum of \$240.00 for towing or storage charges be, and the same is hereby approved.

Date of Incident: October 20, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 144-89

CITY TOW (I. J. HENRY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (I.J. Henry) in the sum of \$230.00 for towing or storage charges be, and the same is hereby approved.

Date of Incident: April 15, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 145-89

CITY TOW COMPANY (various towees - #8802617)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (various towees) in the total sum of \$215.00 for towing or storage charges occurring on various dates be, and the same is hereby approved.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

POLICE COMMISSION REPORT

Commissioner Giraudo announced that the Police Commission met with the City Attorney this evening on Personnel matters and no vote was taken.

(a) PUBLIC COMMENTS

Mr. John Crew of the ACLU said he just wanted to clarify the City Attorney's Opinion ending in the Huerta Case. He said they have two written request to the Commission for an adequate opportunity to review and comment on the City Attorney's Opinion. He said it has now been almost a month since it was requested and he said he did not know if the Commission would be receiving from them a novel or something very extensive. He said he just wanted to clarify specifically what an adequate time frame would be for ACLU's review and they would request at minimum one week given how apparently complicated this has become. He said he did not want to delay this but to make it a fair process for everyone concerned to do their own analysis and to provide the Commission with the benefit of what legal research the ACLU can do he was just hoping to clarify it tonight that once the Commission does get that Opinion that they get at least one whole week to review it and provide the Commission with their comment before the Commission takes action.

Commissioner Giraudo said he personally did not have any problem with that. Other Commissioners then echoed likewise.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Frank Jordan said he had just one item and that the Commission had heard much about the tragedy in Stockton of the shooting of small children with an AK-47 Assault Rifle Semi-Automatic Weapon killing 8 and wounding 30 others. He said it is too bad that it took such a tragedy to bring it up to this high profile but he felt that everyone in Law Enforcement is taking notice. Officers and Chiefs of Police, he said, are talking very strongly about what they have been seeing on the streets in many major cities around the country. He said they were speaking here just last week about 295 weapons that were confiscated on the streets of San Francisco due to drive by shootings and narcotic escalations. He said they then looked at November and December and noted that they came up with 72 weapons alone just in that period and 5 of them were UZI ASSAULT Semi-Automatic Rifles. He said so the Department is seeing them out there in the streets and just since the first of this year, 20 more weapons have been

confiscated from either drug dealers or suspects out in the street and some of them are either shotguns or semi-automatic assault rifles. He said he has been making a strong stand on this and he feels that we should not have any kind of legalization of any kind of semi-automatic or automatic weapons. He said he did not think there were any place even for hunters to have any kind of rifles of this type. He said they are on top of it here in San Francisco but it is serious because they do see many, many of such type weapons around the state and he felt that this terrible tragedy in Stockton is now bringing it to the forefront of all citizens realizing something has to be done.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Langer said he had nothing to report and requested the Commission to go the next item which is the budget for OCC. Commissioner Orr said she had a question or so under this item and asked Mr. Langer about the Information Processing Plan that he had submitted in December. She said she was pleased to see that he had some very good goals in terms of increasing productivity and expanding the use of automation. She said the one thing she was interested in was the tracking process and what are the dynamics that will influence whether or not he will be able to achieve that.

Mr. Langer said when he first came, the OCC was having difficulty of keeping track of the 1,500 cases incoming on a yearly basis. He said they instituted a manual tracking system in January of 1988 which is a cumbersome process and they found that at the end of the process they wind up with 8 or 9 or 10 tracking forms for each complaint. He said the proposal they are suggesting is that they automate the process. He said rather than do it on pieces of paper they do it at a central location so that they always know where it is as complaints that are gathered have a tendency to fall into a black hole and disappear for a period of time. He said they are continuing to do this manually now because his unit is using Personal Computers. He said with the new process there will be a central computer bank and everything would feed that system and they would be able to track the complaint from the computer. He said he thinks they will be able to purchase this within three or four months or sometime after the budget is approved. Mr. Langer then had Ms. Rapoza explain to Commissioner Orr the OCC's security process and safety measures for backup in case the system went down. Thereafter, he explained to the Commissioner about the Budget as originally being incorporated into the SFPD's Budget but come July 1, 1989 the OCC's Budget would be taken over entirely by the OCC only.

Mr. Langer's response to Commissioner Orr regarding Community Outreach and greater exposure to the OCC as far as community involvement and the media plan was that the OCC back in September of 1988 had planned to implement a Community Outreach Program in October. He said however, they were not able to implement it because of the large amount of cases, problems with personnel and it was placed on a temporary hold. He said the plan now is to set up such a program as early as February.

PUBLIC HEARING ON O.C.C. BUDGET

Mr. Langer said Commissioners, as you know that in November of 1987 the voters of San Francisco enacted Proposition G which lifted the Budget Cap from the OCC and gave them the opportunity to request what they believed was a real needs budget. He said they submitted a budget to the Police Commission in January 1988 which was approved and called for 22 people in which they felt were a minimum number of people to accomplish their objectives. He said because of the budget cuts they were papered down to 14 people and ultimately given a supplemental and were able to add two additional investigators. He said as a result of that there are 6 major areas that they think they have been somewhat negligible in fulfilling as part of their Charter Amendment mandated duties and as part of the procedures they had promised the Police Commission and the community. He said they would point out each one of those projects because he thought that it spelled a story that really demonstrates their needs to get their budget approved and get it implemented. He said their Pro Bono Hearings was one of the things where they removed \$60,000 and turned it back to the city and promised the Commission that they would come forward with the implementation of the Pro Bono Hearing Process. He said because of their lack of personnel and because of the illness of two people in the office this has bogged down and at this point they cannot implement the Pro Bono Hearing Process. He said they do have stop gap measures in the budget to take care of people who wanted hearings and \$15,000 is set aside for that but as a matter of fact they haven't had any hearings since July 1, 1988 and it is something they have to be cognizant of. He said the second point is they do have a back log of cases and as of today it is 600 and that is a very significant number. He said in addition to that as of 10/28/88 the Chief's Office began to notify them of demonstrations. Some of them, he said, he was required to send as many as 4 to 6 people to cover them depending on the size. He said they have a Charter Mandated duty to produce monthly reports and as far as he knows in the history of the OCC, which is over 5 years old, he didn't think they have ever produced a monthly report. He said right now they are producing a quarterly report and it is being generated almost by hand. He said they began a system of developing and bringing to the Commission written procedures. He said he was going to reduce everything that the OCC does down to a written procedure similar to what the SFPD does and have now done it on a very limited basis. He said the 5th issue is training and they have hired five new people and have implemented an in-service program in the OCC Office but they have to start thinking about sending those people to POST Training. He said they also have to start thinking about their middle management positions which they have just made promotions to this summer and making sure that those people have adequate training and this is where the OCC lose people for periods of time which can't be afforded until adequate personnel is aboard. He said in addition to that with the new things they are going to be taking over, hopefully the Computer System, they will then need additional training in those areas to make that process work properly. He said the 6th matter which he feels belong at the top of the list is the OCC's Community Outreach Program. He said it is very

important in his mind for the people of San Francisco to know what services the OCC provides, how they are provided, how the OCC's processes work to make their services available to the people so that they know that the OCC is there when they need them. He said if they are deficient in that area, again, it is because of lack of personnel. He said it is his pledge to the Commission that they will make that a very high priority in the next month. He said with that in mind that he has submitted to the Police Commission the Budget. He said it calls for an increase of approximately 54% raising the OCC Budget request for 1989/90 to \$1,394,815.00.

Commissioner Orr then asked Mr. Langer if there were any budgetary expense attached to the Community Outreach proposal. Mr. Langer said they did not budget anything because it was his belief that they would do it on their own time and they could accomplish it without it costing anything so they did not add it to their budget.

Commissioner Orr said she did not share that opinion because when she spoke of Community Outreach she meant something really aggressive not just community meetings but perhaps public service announcements, ads on radio and television, more than just having the community come to the OCC, the OCC has to go to the community when the community wants to see and hear it. She said she would be very much interested in seeing an outline of some of the objectives that he has with a time table as to how he is supposed to achieve that. She said what she was thinking of is utilizing electronic media as well as community visits, meetings, open houses and so forth. She said she would like to see that and research the potential of either including it as a budgetary item if a price can be determined or looking for opportunities for Pro Bono help from the media. She said there are some community programs that will help develop public service announcement scenarios freely and also there may be some resources within the city public information or PR (Public Relations) Office that could be taken advantage of but, she said, she was interested in doing an aggressive outreach program to make sure that the community realizes that the OCC is a new and energized agency and available and there to help us.

Mr. Langer said he would need approximately two to three weeks to search this information out for the Commission. He also said in response to a question from Commissioner Nelder regarding the compliment of personnel of the OCC that if the OCC Budget were increased 54% as requested then the OCC's total compliment would be 22.

Mr. John Crew came forth and also recommended that the Commission adopt the OCC budget even if it did call for a 54% increase. He said it has been proven that the OCC investigators are handling 6 times the number of complaints as did the old investigators assigned to the Department's Internal Affairs Division. He also spoke on the proposed Community Outreach Program and said he wanted to point out that the Mayor's Advisory Committee on the OCC specifically recommended a Community Liaison Staff person to do just this, in recognition in to what a large job Commissioner Orr was speaking about. He said as he understood it at this stage that separate Community Liaison Staff person is not

in the budget and it was put on hold because of the budget crunch. He said so he would strongly advise the Commission to adopt this budget and do its darndest to get it passed because if the OCC is going to have a fighting chance to do its job they will need all their resources.

Commissioner Orr said that in addition to what Mr. Crew has said, about the Community Liaison Staff person, budgetarily, it is not something the Commission is looking at very soon, but part of her hope in involving community participation is to, perhaps, get some volunteer support for the OCC. She said there is the Friends of the Police Department and different organizations that come to raise funds for different projects, maybe that is something that OCC can tap into as well, as part of her desire to open the OCC up to the whole community.

After further discussion, Commissioner Medina said he would move approval of the OCC Budget. Commissioner Nelder seconded and it was unanimously approved.

RESOLUTION NO. 119-89

OFFICE OF CITIZEN COMPLAINTS BUDGET FOR FISCAL YEAR 1989-1990

RESOLVED, that the Police Commission hereby approves the budget for the Office of Citizen Complaints for Fiscal Year 1989-1990.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 122-89

RESETTING OF DATE FOR HEARING OF POLICE INSPECTOR FRANK C. MCCOY, INVESTIGATIONS BUREAU - HOMICIDE SECTION, PURSUANT TO U.S. DISTRICT COURT FRCP 65

WHEREAS, the date for the resetting of the date for hearing of Police Inspector Frank C. McCoy, Investigations Bureau - Homicide Section, pursuant to U.S. District Court F.R.C.P. 65, was called it having been scheduled for this date; and

WHEREAS, in accordance with U.S. District Court F.R.C.P. 65, Civil No. C884722 JPV, it was determined by the Police Commission that the date for the hearing of disciplinary charges filed against Inspector Frank C. McCoy be reset for March 15, 1989; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Inspector Frank C. McCoy is reset for Wednesday, March 15, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 123-89

RESETTING OF DATE FOR HEARING OF POLICE INSPECTOR MARVIN V. DEAN, INVESTIGATIONS BUREAU - HOMICIDE SECTION, PURSUANT TO U.S. DISTRICT COURT FRCP 65

WHEREAS, the date for the resetting of the date for hearing of Police Inspector Marvin V. Dean,

Investigations Bureau - Homicide Section, pursuant to U.S. District Court F.R.C.P. 65, was called it having been scheduled for this date; and

WHEREAS, in accordance with U.S. District Court F.R.C.P. 65, Civil No. C884722 JPV, it was determined by the Police Commission that the date for the hearing of disciplinary charges filed against Inspector Marvin V. Dean be reset for March 15, 1989; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Inspector Marvin V. Dean is reset for Wednesday, March 15, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 124-89

RESETTING OF DATE FOR HEARING OF POLICE INSPECTOR WILLIAM F. KIDD, INVESTIGATIONS BUREAU - GENERAL WORK SECTION, PURSUANT TO U.S. DISTRICT COURT FRCP 65

WHEREAS, the date for the resetting of the date for hearing of Police Inspector William F. Kidd, Investigations Bureau - General Work Section, pursuant to U.S. District Court F.R.C.P. 65, was called it having been scheduled for this date; and

WHEREAS, in accordance with U.S. District Court F.R.C.P. 65, Civil No. C884722 JPV, it was determined by the Police Commission that the date for the hearing of disciplinary charges filed against Inspector William F. Kidd be reset for March 15, 1989; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Inspector William F. Kidd is reset for Wednesday, March 15, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 125-89

RESETTING OF DATE FOR HEARING OF POLICE INSPECTOR ANTONIO L. CASILLAS, INVESTIGATIONS BUREAU - GENERAL WORK SECTION, PURSUANT TO U.S. DISTRICT COURT FRCP 65

WHEREAS, the date for the resetting of the date for hearing of Police Inspector Antonio L. Casillas, Investigations Bureau - General Work Section, pursuant to U.S. District Court F.R.C.P. 65, was called it having been scheduled for this date; and

WHEREAS, in accordance with U.S. District Court F.R.C.P. 65, Civil No. C884722 JPV, it was determined by the Police Commission that the date for the hearing of disciplinary charges filed against Inspector Antonio L. Casillas be reset for March 15, 1989; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Inspector Antonio L. Casillas is reset for Wednesday, March 15, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 126-89

HEARING OF POLICE OFFICER TONY B. HICKS, POTRERO STATION

The hearing of Police Officer Tony B. Hicks, Potrero Station, was called it having been set for this date. Police Officer Tony B. Hicks was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

and

WHEREAS, Chief of Police Frank M. Jordan requests that the charges be withdrawn and states that it will be handled administratively; therefore be it

RESOLVED, that charges filed against Police Officer Tony B. Hicks, Potrero Station, is continued off calendar by order of the Police Commission.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 127-89

HEARING OF POLICE OFFICER RANDALL P. KOCHER, SOUTHERN STATION

WHEREAS, the date for the hearing of the disciplinary charges filed against Police Officer Randall P. Kocher, Southern Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Stephen Whitmore, Attorney at Law representing Officer Kocher, that due to his illness (Attorney Whitmore) the hearing be continued to Wednesday, February 1, 1989; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Officer Randall P. Kocher is continued to Wednesday, February 1, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL OF A SUPPLEMENTAL APPROPRIATION AMOUNTING TO \$22,000 TO PURCHASE ONE "LOUD HAILER SOUND SYSTEM"

Chief Frank Jordan said this goes back to the 12 points of recommendations on the Crowd Control Use of Batons. He said the Department, at the present time, has the use of the Loud Hailer which is many, many years old and it has just been put back together. He said every time the Department repairs it, it just seems to bread down again, so, they would just like to do it right and get a new Loud Hailer. He said it cost \$22,000 and they are asking

for a Supplemental Appropriation to do this, however, he said, the Department will transfer funds from the existing budget salaries to do this. Commissioner Nelder said he would move approval, Commissioner Medina seconded and it was unanimously approved.

RESOLUTION NO. 120-89

REQUEST OF THE CHIEF FOR APPROVAL OF A SUPPLEMENTAL APPROPRIATION AMOUNTING TO \$22,000 PURCHASE ONE "LOUD HAILER SOUND SYSTEM"

RESOLVED, that the Police Commission hereby approves a request for a supplemental appropriation amounting to \$22,000, which will reappropriate surplus salary funds so that a "Loud Hailer Sound System" may be purchased for use at events attended by large groups.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

Chief Frank Jordan then said that just to give the Commissioners a quick update, as the foregoing was one of the 12 point recommendations, the Hot Line for Community Services, in terms of Crowds and Demonstrations, so that the Department can be given some advance notice, is now coming on board and as the Training Program for two of the items the Department recommended on the 12 points. He said the Department has an officer assigned full time now at the Academy working toward putting together a Manual with all of the orders and Manuals the Department has now in terms of Training Bulletins, Information Bulletins, and various Orders he said, and now with the Loud Hailer, and then there is another one, a Department Special Order, just on the use of 36" Batons until the Department gets the rest of the program on line. He said so his Staff is moving on about 6 different fronts at the present time. He said the Staff still has meetings forthcoming with the parties who are interested i.e., the ACLU, the NLG, CUAV and so they are moving on a number of fronts to show the Commission that they want to expedite the process as soon as possible.

PUBLIC HEARING ON REVISION OF DEPARTMENT GENERAL ORDER D-17, "DISCRIMINATION AND SEXUAL HARASSMENT"

Deputy Chief Will Casey said as the Commission remembers some months ago the Commission directed that a new D-17 be drafted and in the past months Staff has been working very hard on it. He said Police Officer Leanna Dawydiak was assigned full time to re-writing D-17 and is here to give the Commission a briefing on what the new D-17 includes, what was done, who they met with and the input that was received so that the Commission can see what the new General Order D-17 now contains.

Officer Dawydiak said what she did to get started with the Order was to get a list from Lieutenant Frazier of the outside groups of people who had participated before and were interested in seeing that this new General Order would be effective. She said after receiving input from those parties she also sent out drafts to them as

she finished them to those various groups. She then named the groups such as the National Organization of Women, the Women Officers Network, the Consent Decree Unit, Public Advocates, The Officers for Justice, the POA and the Miscellaneous Officers in the Department. She said the primary things that she felt were different in this Order than what was in the other one is Definitions: What the Department's duty is to women and minorities and all officers in the Department. She said she expanded who was covered, and then basically things that they must be told not to do and in what areas. She said there is also a better description of what type of members conduct to try to avoid with detailed examples. She said she had also really beefed up the section on Supervisory Officers conduct. She said she felt the real crux of the problem is that Supervisory Officers have to know that if they are charged with knowledge that if they knew or should have known about something then they have to do something about it. She said she also beefed up the section on retaliation as she felt that was important, too as people have to realize that if they do come forward with an issue that they don't have to be afraid that they are going to have something happen to them as a result. She said she also tried to stress confidentiality and it is the Supervisors responsibility to maintain confidentiality all the way to the Affirmative Action Officer. She said another important component is the EEO (Equal Employment Opportunity) Unit.

Chief Jordan then introduced Lieutenant Al Benner who is assigned to be the Officer in Charge to administer the Equal Employment Opportunity Unit and then gave the Commission some background information on the Lieutenant. Lieutenant Benner then came forth and said he was very pleased with the work that Officer Dawydiak had done. He said he thinks that this Order is going to be a model that can be applied not only in San Francisco but in other Departments as well. He said one of the things that must be done to implement the Order as it is now written, one of the things that is most important, is a pro-active outreach in the training issues and providing clear guidelines from the Chief through this instrument to the Officers out in the Stations. He said he thinks what has been started here which is a cross section of involvement of various people has got to be continued to insure that the Department has adequate input from all interested parties. He said he would basically be awaiting the Commission's approval and the Chief's directions before they start selecting Staff who will be part of the investigative process.

Commissioner Orr then inquired as to how large of a unit did Lieutenant Benner anticipate. Lieutenant Benner said there will have to be a needs assessment as far as extra Staff. He said he envisioned at this point may be two or three people and then as the numbers dictate and the needs dictate with the Chief's direction it will increase from there.

Commissioner Orr said in terms of the training for the line Supervisors and mid-level Supervisors will it be conducted at the Academy or will his unit do it or did he envision going out to watches and holding an orientation, or just how did he plan on doing it.

Lieutenant Benner said all of that and that there is training even now in advanced officer training and of course during the Supervisory Training and there will be training for Captains and Lieutenants to go along with some of those other topics the Chief has implemented with a piggy back on that. But, he said, he definitely sees the outreach as far as addressing the watches, talking both formally and informally on how to patrol as being an on-going process. Commissionr Medina said he would make a motion for approval, Commissioner Lee seconded.

Mr. Crew, ACLU, said that he wanted to be one of the first to congratulate publicly the Department. He said Chief Jordan was appointed three years ago and this is one of the first topics the Civil Rights Community met with him about and they, a number of groups, tried to provide assistance, the Commission on the Status of Women, in fact, he said former Police Commissioner Juanita Owens spent a lot of time with the Professionalism Committee and particularly in the last several months with Officer Dawydiak. He said in terms of Public Advocates, he said he was able to messenger them a copy of this when he received a copy of it today and they asked him to pass on that they also believe that it could be a national model for a real progressive policy in this area. He said the one comment from Public Advocates, who unfortunately couldn't be here, he said because of the short notice, was particularly on the EEO Unit that at this stage the staffing of that Department will send a message in terms of how officers will feel comfortable in going to that unit. He said the Chief has already addressed that to a certain extent but they asked that he (Crew) pass that on. He said he had one minor suggestion, there are four words that were added to this as compared to the last version he had seen about three months ago. He said if he could refer the Commission to page 12 which is under the Chief of Police's responsibility, item 11.(a), where it speaks about the statistics being presented to the Police Commission and those four words are the last four words there it will be presented quarterly and on a cumulative basis as a personnel matter and as he read that, he said that means that, that would be in a personnel session in a secret session and that is something new to them. He said this is statistical information and they think it ought to be publicly available. He said these are clearly sensitive areas and in terms of the Department's image he felt it was understandable that they did not want to be putting up press releases but the other hand if they are ever going to get a handle on discrimination and sexual harassment complaints he felt the public and the officers need that sort of information on a statistical basis that the process is being used that it has credibility and that the Commission is taking it seriously. So, he said, he would respectfully suggest that they go back to the previous version and drop those four words so that those statistics will be publicly available when they are presented to the Commission.

Commissioner Orr said she felt that is a valid observation and saw no problem. Chief Jordan said he saw no problem he just wanted to see if there is any draw back that he is not aware of but at this point his only feeling is when the Department comes up with those who are stating that there is a complaint he would like to see those that are sustained or founded so that if they are going to have people making complaints let's make sure that they are valid ones.

Deputy Chief Casey said he was just speaking with Officer Dawydiak and primarily this was a major issue in their meet and confer with the SFPOA and primarily they are speaking about complaints that would be in a personnel matter. He said statistics, they haven't had any problems with, but when the Department comes to the Police Commission on specific complaints that would be done as a personnel matter. He said as long as it is statistics, the Department has no problem.

Commissioner Nelder said before the Commission votes he would like to have the Commission thank Officer Dawydiak for conscientious persistence and effort put forth in this Order. He said he read it thoroughly and completely and he felt it is well done and he knows how hard she has worked on it so he would like, on behalf of the Commission, to commend Officer Dawydiak.

The motion having been made and seconded earlier was unanimously approved as amended.


RESOLUTION NO. 121-89

REVISION OF DEPARTMENT GENERAL ORDER D-17,
DISCRIMINATION AND SEXUAL HARASSMENT

RESOLVED, that the Police Commission hereby approves the proposed revision of General Order D-17, "Discrimination and Sexual Harassment".

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

The meeting, thereafter, was adjourned at 7:05 p.m.


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/rt
W/4800M

Minutes
JANUARY 25, 1989

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, January 25, 1989 at 1700 hours in a Regular Meeting.

DOCUMENTS DEPT.

MAY 8 1989

SAN FRANCISCO
PUBLIC LIBRARY

Commissioner Giraudo presiding.

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

APPROVAL OF MINUTES OF MEETING OF OCTOBER 19, 1988

Approval of Minutes of Meeting of October 19, 1988, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 151-89

ZURICH INSURANCE CO. vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Zurich Insurance Company in the sum of \$1,202.76 in Municipal Court No. 009-154 entitled "Zurich Insurance Company vs. City and County of San Francisco, et al" as a result of property damages sustained, be, and the same is hereby approved.

Date of Incident: December 22, 1986

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 152-89

BETTY JEAN HIGGINS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Betty Jean Higgins in the sum of \$1,219.80 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 9, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 153-89

LIBERTY MUTUAL INSURANCE (INSURED: WILFRIDE BELLOT)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Liberty Mutual Co. (Insured: Wilfride Bellot) in the sum of

\$1,088.28 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 1, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 154-89

NICANOR & ARTURO NALUS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Nicanor and Arturo Nalus in the sum of \$903.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 22, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 155-89

RICO BROWN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rico Brown in the sum of \$345.00 as a result of loss of currency, be, and the same is hereby approved.

Date of Incident: August 21, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 156-89

JOE A. CARRANZA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joe A. Carranza in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 8 or 9, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 157-89

MARION LARSEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Marion Larsen in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 9, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 158-89

ORA LEE SHEPARD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ora Lee Shepard in the sum of \$35.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 15, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

POLICE COMMISSION REPORT

Commissioner Giraudo said he had a comment he would make tonight and that is in regard to the Department over the last weekend which had to handle a great deal of activity occurring throughout the city from spontaneous demonstrations. He said it involved various groups and in some instances major demonstrations as well as the spontaneous celebration of the 49er's victory and the parade the next day. He said he was able to observe that evening, throughout the city, as he had accompanied the Chief of Police to watch the crowd control procedures, and he would say that the job the Department did was incredibly stellar and he was very, very proud of all of the police officers who were out there that night. He said they kept their cool and they did a fantastic job and he would hope that the Department can continue to do that same kind of job under what he considered to be very, very strenuous and difficult circumstances. He said the spontaneity was one thing, the alcohol that had been consumed by a number of the celebrants created rather erratic behaviour, and the officers just handled it with the most incredible professionalism that he had seen in any phase or facet of his life as a Commissioner of San Francisco. He said so he would just like to commend the Chief and the entire Tac Squad Staff and all the officers that came out of the stations that night and did the job that they did. He said especially considering the number of demonstrations they had to handle even the day of the Superbowl, the Anti-Abortion demonstration on Octavia Street, all the way down to United Nations Plaza two hours before the Superbowl, and then to re-enter the scene and handle the spontaneous celebration until 2:00 AM, in some instances, and be back out on the street to handle the parade the next day. He said so he would just like to say in conclusion, congratulations to the Chief and to the entire Department, it was fantastic.

Chief Frank Jordan thanked the Commission and said that he would be following-up with letters to the members of the Department letting them know the Commissioners comments as well as everyone else's.

Commissioner Orr said along those lines to Deputy Chief Casey, she would like to know if there is a possibility of establishing a Unit Award in the Department. She said she felt it might be a way for honoring and commending outstanding service in team work within specialized units and in other areas of the Department.

Deputy Chief Casey acknowledged that he would be happy to do so.

(a) PUBLIC COMMENTS

Ms. Jay Lader De Hernandez said she would like to talk to about public safety and who has the ultimate responsibility for it inspite of the wonderful work that many officers have done when the public is endanger because of a police officer. She said she is a law abiding patriotic citizen of the community and she would like to have protection from people on the police force who go beyond rational means to obtain whatever they want to obtain. She said she was really thinking about Mrs. Huerta but it involved a lot of people who have a basic civil right to peaceful demonstration. Commissioner Giraudo advised her that the Commission had been through a procedure for the past five (5) months whereby the Commission has reviewed all of the policies and procedures of the Department with respect to crowd control and have adopted 12 recommendations that were made as a result of that process and they are also in the process now of adopting a General Order for the Police Department and there is community participation in that process with respect to what that General Order will state and ultimately what the Training Manual, which will become a public document, will state. He said the Commission believes that it is taking all steps and measures possible to guarantee those safeguards and rights that Ms. De Hernandez speaks to. He said so the process is on-going and it is this Commission that is dealing with the issue.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Frank Jordan said the Commission had touched on one of the item already in regard to the demonstrations that took place over the weekend. He said the Department did have on Friday, as a result of the inauguration of the new President of the United Stations, some demonstrations here where a rally was planned at Union Square but ultimately wound up on Sutter Street in front of the Marines Memorial Building. There, he said, about 900 demonstrations were attempting to enter the building but the Department was able to handle that one with only a small amount of property damages. He said also that afternoon a demonstration was held at the Stock Exchange in the downtown area and that was over Pharmaceutical Stocks dealing with AIDS Research.

He said also on Saturday, there was a demonstration out at 24th and Mission and they marched from there through the Mission District to the Army Recruiting Station in the 1200 Block of Market Street. He said that was handled peacably. He said they did not have permits but it was worked out. He said some of the demonstrators took over the streets but they were eventually moved back to one lane of traffic and then to the sidewalks. He said and as the Commissioner had mentioned the Department had those other things it had to cover making it a very, very full weekend between Friday, Saturday, Sunday and Monday with numerous demonstrations and rallies some spontaneous and some without permits. He said he believes at this point, and he was happy to say, that he was very, very personally proud of the SFPD in the way that they conducted themselves in each of the rallies and demonstrations. And, he said, he hoped that based

on what they have discussed here in numerous meetings with the Commission, numerous public meetings, that he felt the police officers have conducted themselves very, very appropriately and very professionally and that all rules and procedures were followed to the letter as far as he could see. He said, so he just wanted to publicly state that he was very proud of the officers, the men and women of this Department in what he had seen in terms of Crowd Control being handled this weekend.

Commissioner Nelder said to Chief Jordan that in addition to the SFPD getting an A in effort the people of San Francisco should get an A in department also as most of the 90 arrests made were on people from outside of San Francisco.

Chief Jordan said that was correct that the Department knows that the overwhelming amount of people that were out there, 65 to 75% were from all over the Bay Area and not San Francisco residents. He said one other item he had was to inform the Commission that the Free Speech Hotline is now in place. He said this is for anyone who would like to give the Department information on any kind of crowd demonstration or gathering that the Department can help them with in advance. He then gave the number 553-9897. He then said the last item is that Captain Jim Arnold also wanted to ask for a letter of support regarding the National Crime Prevention Convention that is coming to San Francisco in the year 1989.

Captain Arnold then addressed the Commission and said just by way of information the Community Services Division, this summer, will host the 20th Annual Conference of the National Association Police Community Relations Organizations. He said they expect about 200 Police Community Relations Officers from across the country and Canada to attend. He said the conference will consist of a series of work shops, panel discussions and guest speakers and some of the speakers who have agreed to attend are the Director of the Department of Justice Community Relations Service and also the Reverend Jesse Jackson is committed to attend. He said the conference will run from June 14 through June 18 and he was asking the Commission for a letter of support endorsing the conference so that they can send it out with the letters of support with the letters they now have from Mayor Agnos and Chief Jordan.

Commissioner Medina said he would make a motion that a letter of support as requested by Captain Arnold be prepared and sent. Commissioner Lee seconded and it was unanimously approved.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Michael Langer: "Commissioners we have two very short items. One, we had people assigned to all of the demonstrations over the weekend and one of the Investigators, when asked for his brief comment about the Anti-Inauguration Coalition Demonstration that occurred on Friday night, felt that the Police Officers did an absolutely outstanding job and came back commending Captain Welch, Commander Lau and he also had contact with Commander Nelson. Under the circumstances, he said, there were a number of hecklers. People were

throwing rocks and bricks and tomatoes and broke a window. Glass was shattered all over the place. He said the new procedures were being used and the loud hailer and everything seemed to work well. He said the investigator just felt that the police officers exercised tremendously great restraint and that he was very proud of them and he asked him (Langer) to bring that to the Commission.

Mr. Langer said the second item is that they assigned six people for their Superbowl Contingency Plan which they had to put into effect. He said he was hoping the Bears were going to win but they did not and so they put it in effect and had six people out in the street on Sunday night. He said interestingly enough several of their people were at the Command Post on Columbus when a man was arrested wearing a Tee Shirt. The next day he came to the OCC and said that the officers arresting him wearing his coat and that they stole his coat and his wallet and the investigator witnessed the entire arrest and it was absolutely untrue. Mr. Langer said the investigator said the man was so intoxicated that he did not know what city he was in. The investigator took the information and cleared the case right on the spot. Mr. Langer said so he just wanted the Commission to be aware of the benefits of these things.

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL OF A
SUPPLEMENTAL APPROPRIATION AMOUNTING TO \$169,148 TO
EXPAND THE DEPARTMENT'S SUBSTANCE ABUSE PROGRAM FOR
ELEMENTARY SCHOOL STUDENTS

Commissioner Nelder said the Commission has always supported this program and that it is an excellent prevention program.

Captain Arnold of Community Services acknowledged that it is an excellent prevention program and they have just received a letter from the Human Rights Commission requesting the Community Services Division to expand the program into the Private and Parochial Schools. He said they have met with the Archdiocese and they now have a Memorandum of Understanding outlining what each expects of the other and they will go into those schools, if this is approved, in September starting with St. Brendans.

Commissioner Nelder said he thought this was one of the key programs from a standpoint of combatting drug abuse. He said all of his colleagues have heard presentations on this program in the past and he thought it was one program that the Commission should place its full support behind and he move approval for this item. Commissioner Lee seconded.

Commissioner Giraudo said before the Commission votes on it he would comment that he had been pushing for expansion of this into the Parochial Schools by virtue of the fact that Parochial Schools educate a goodly number of students in San Francisco and are not immune from the same problems that other schools have. He said also he knows that members of Captain Arnold's Unit put on a demonstration before a class of Elementary School children that his wife had the privilege of attending and the whole group that she worked with, all psychologist, were absolutely impressed with the work and he was happy to call for the vote on this item. Thereafter, the item was unanimously approved.

RESOLUTION NO. 146-89

REQUEST OF THE CHIEF FOR APPROVAL OF A SUPPLEMENTAL APPROPRIATION AMOUNTING TO \$169,148 TO CONTINUE A SUBSTANCE ABUSE PROGRAM FOR ELEMENTARY SCHOOL STUDENTS

RESOLVED, that the Police Commission hereby approves a request for a supplemental appropriation amounting to \$169,148, which will appropriate funds from the Narcotics Forfeiture and Asset Seizure Fund to continue a substance abuse program in local elementary schools.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

PUBLIC HEARING ON REVISION OF DEPARTMENT GENERAL ORDER A-5, "ORGANIZATIONAL STRUCTURE AND FUNCTIONS"

Deputy Chief Casey advised the Commission that in the last two weeks they had approved the formation of two new units, the Special Events Management Section of the Special Operations Bureau and the Equal Employment Opportunity Unit of the Administration Bureau. He said what this will do is make a change in the General Order A-5 allowing these two units to become an official part of the SFPD. Commissioner Orr said she would make approval. Commissioner Nelder seconded and it was unanimously approved.

RESOLUTION NO. 147-89

REVISION OF DEPARTMENT GENERAL ORDER A-5, "ORGANIZATIONAL STRUCTURE AND FUNCTIONS"

RESOLVED, that the Police Commission hereby approves revised Department General Order A-5, "Organizational Structure and Functions".

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 148-89

HEARING OF PATROL SPECIAL OFFICER ALBERT L. ROBLES, CENTRAL POLICE DISTRICT

WHEREAS, the date for the hearing of the disciplinary charges filed against Patrol Special Officer Albert L. Robles, Central Police District, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law for the San Francisco Police Department, that the date for the hearing of Patrol Special Albert L. Robles be continued to April 5, 1989; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Patrol Special Officer Albert L. Robles, Central Police District, is continued to Wednesday, April 5, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

HEARING OF DISCIPLINARY CHARGES FILED AGAINST POLICE
OFFICER RAYMOND E. WEST, MEDICAL LIAISON

Mr. Michael Gash, Attorney for the SFPD in the Management Control Division, said that the Department has received the resignation from Officer Ray West and request that this matter be taken off calendar and that Officer West's services be deemed as unsatisfactory. Commissioner Nelder said he would make the motion to accept and approve the resignation of Officer West, Commissioner Lee seconded and it was unanimously approved.

RESOLUTION NO. 149-89

HEARING OF POLICE OFFICER RAYMOND E. WEST, MEDICAL
LIAISON

WHEREAS, on January 28, 1988, Frank M. Jordan, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Raymond E. West, Medical Liaison, as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

and

WHEREAS, the Police Commission set Wednesday, January 25, 1989, as the date for the hearing on charges filed against Officer Raymond E. West; and

WHEREAS, Chief of Police Frank M. Jordan announced that the Police Department was in receipt of the resignation of Police Officer Raymond E. West from the San Francisco Police Department, said resignation effective close of business January 27, 1989, which resignation was accepted with the condition that the services of Police Officer Raymond E. West have been unsatisfactory and that he does not resign in good standing; therefore be it

RESOLVED, that the charges of violating the Rules and Procedures of the San Francisco Police Department filed against Police Officer Raymond E. West, be, and the same are hereby continued off calendar.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

HEARING OF POLICE OFFICER ANTHONY J. CARREON,
TACTICAL DIVISION - DOG UNIT

The hearing of the disciplinary charges filed against Police Officer Anthony J. Carreon, Tactical Division - Dog Unit, was called it having been set for this date. Police Officer Anthony J. Carreon was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency, or discipline of the department or which reflects discredit upon the

department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Police Officer Anthony J. Carreon appeared in person and was represented by Mr. Raymond P. Roberts, Attorney at Law, and his assistant, Mr. Guheem, Attorney at Law.

An opening statement was made by Mr. Michael Gash for the Prosecution. He requested Commission approval to amend Specification No. 1, Sections #8 and #10. Attorney for the Defense, Mr. Raymond Roberts, concurred with the request and it was unanimously approved for amendment as requested. (Note asterisks on page 4.)

An opening statement was made by Mr. Raymond Roberts for the Defense. Mr. Roberts entered a plea of guilty on Specification No. 1 on behalf of Officer Anthony J. Carreon.

Commissioner Alfred Nelder made a motion to accept the plea of Officer Carreon and was seconded by Commissioner Gayle Orr-Smith, and was unanimously approved and accepted by the Commission.

The following witness was called by the Prosecution, was sworn and testified:

Officer Mark David Pineda, California Highway Patrol

The following witnesses appeared for the Defense, were sworn and testified:

Dr. Norman Andrakus, Psychotherapist
Kaiser Hospital,
South San Francisco, CA
Officer Anthony J. Carreon, Tactical - Dog Unit

Based on those findings, the Commission requested a recommendation from Chief of Police Frank M. Jordan. The following recommendations were made by Chief Jordan:

- 1) 90 day suspension, credit for time served (85 days)
- 2) Termination held in abeyance for four years, conditioned upon:
 - A) Participation in structured D-4 Program, which includes at least 90 AA meetings in first 90 days of program;
 - B) Immediate notification to my office and to the Police Commission if Officer Carreon fails to comply with provisions of D-4 Program contract;
- 3) Submission to random, unannounced testing for alcohol or illegal substances for four years, administered by Management Control Division.

- 4) If any amount of alcohol or illegal substances are detected, or if Officer Carreon refuses to submit to a test, or if Officer Carreon fails to comply with provisions of D-4 Program contract, he is to be immediately suspended and charges filed with the Commission with a recommendation that he be terminated; and
- 5) Officer Carreon will be transferred from the Tactical Division.

The Commission took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 150-89

DECISION - HEARING OF POLICE OFFICER ANTHONY J. CARREON, TACTICAL DIVISION - DOG UNIT

WHEREAS, on September 13, 1988, Frank M. Jordan, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Anthony J. Carreon, and

WHEREAS, the Commission having heard the matter, makes the following findings of fact as set forth in the following charges:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

- (1) At all times herein mentioned, Anthony J. Carreon, Star No. 355 (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department and assigned to the Tactical Division - Dog Unit; however, on September 6, 1988 at approximately 1200 hours, the accused was suspended pending the hearing of charges before the Police Commission;
- (2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department.
- (3) On or about September 3, 1988, at approximately 1525 hours, the accused, while off-duty, was driving southbound on Interstate 280, just south of the Westborough exit in San Mateo County, when the vehicle he was driving struck another vehicle causing personal and property damage;
- (4) On or about September 3, 1988, at approximately 1540 hours, a California Highway Patrol Officer responded to the scene and interviewed the driver of the vehicle struck by the accused. The California Highway Patrol Officer was advised that the accused was the driver of the other vehicle and was currently being treated by paramedics on the scene;

- (5) The California Highway Patrol Officer, prior to the accused being transported to the hospital, observed the accused to have bloodshot and glassy eyes;
- (6) Witnesses told the California Highway Patrol Officer that the accused caused the accident by striking the second vehicle during a lane change;
- (7) On or about September 3, 1988, at approximately 1700 hours, the California Highway Patrol Officer, while interviewing the accused at Peninsula Emergency Hospital, noticed a "moderate odor of an alcoholic beverage emitting from his breath", and that his speech was slow and slurred;
- (8) The accused was arrested for violation of California Vehicle Code Section 23153(a), for causing an injury accident while driving under the influence of alcohol. He was given the opportunity to submit to a blood or urine test;
- (9) The accused, after choosing a blood test, had the test administered by a medical technician at approximately 1815 hours. The blood sample was placed into the SNCCF locker;
- (10) *It is unlawful for any person, while having 0.10% or more, by weight, of alcohol in his blood to drive a vehicle. The results of the accused's blood test indicated that he had a blood alcohol level of 0.20%;
- (11) The accused, by causing an injury accident while driving under the influence of alcohol, has engaged in conduct which constitutes violations of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, January 25, 1989, and on Wednesday, January 25, 1989, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specification No. 1 as

preferred by the Chief of Police against Police Officer Anthony J. Carreon are sustained by a preponderance of evidence presented; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

Specification No. 1

- 1) 90 days suspension with credit for time served (85 days); remaining five calendar days shall be served commencing 0001 hours on January 26, 1989 and ending January 30, 1989 at 2400 hours.
- 2) Termination held in abeyance for four years with the following conditions:
 - A) Participation in a structured D-4 Program, which includes at least 90 AA meetings in the first 90 days of the program;
 - B) Immediate notification to the Office of Chief of Police and to the Police Commission if Officer Carreon fails to comply with provisions of the D-4 Program contract;
- 3) Submission to random, unannounced testing for alcohol or illegal substances for four years, administered by the Management Control Division.
- 4) If any amount of alcohol or illegal substances are detected, or if Officer Carreon refuses to submit to a test, or if Officer Carreon fails to comply with provisions of the D-4 Program contract, he is to be immediately suspended and charges filed with the Commission with a recommendation that he be terminated; and
- 5) Officer Carreon is to be transferred from the Tactical Division.

RESOLVED, that said suspension of eighty-five (85) calendar days credit for time served, is effective 1200 hours on Tuesday, September 6, 1988 and ending Tuesday, November 29, 1988 at 2400 hours; and be it further

RESOLVED, that remaining five (5) calendar days of the 90-calendar day suspension shall commence on Thursday, January 26, 1989 at 0001 hours and end Monday, January 30, 1989 at 2400 hours.

(Police Officer Anthony J. Carreon was granted a Leave of Absence Without Pay at his own request for the period November 30, 1988 through January 25, 1989.)

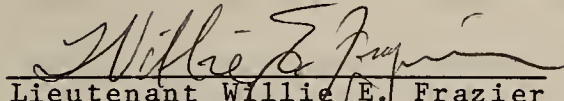
AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

Recess taken during the hearing of Officer Anthony J. Carreon:

7:05 p.m. to 7:15 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

The meeting was thereafter adjourned *AT 7:30 pm*


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/rt
W/4807M

Minutes

FEBRUARY 1, 1989

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, February 1, 1989 at 5:30 p.m. in a Regular Meeting.

Commissioner Giraudo presiding.

DOCUMENTS DEPT.

AYES: Commissioners Giraudo, Lee, Medina,
Nelder, Orr-Smith

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APPROVAL OF MINUTES OF MEETING OF OCTOBER 26, 1988

The minutes of the meeting of October 26, 1988 were approved, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 163-89

THE CITY TOW COMPANY (various towees - #8802574)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow Company (various towees - #8802574)) in the sum of \$4,232.50 as a result of towing charges occurring on various dates, be and the same is hereby approved.

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 164-89

THE CITY TOW COMPANY (various towees - #8801993)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow Company (various towees - #8801993) in the sum of \$3,610.00 as a result of towing charges occurring on various dates, be and the same is hereby approved.

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 165-89

THE CITY TOW COMPANY (various towees - #8802021)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow Company (various towees - #8802021) in the sum of \$2,030.00 as a result of towing charges occurring on various dates, be, and the same is hereby approved.

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 166-89

THE CITY TOW COMPANY (various towees - #8802020)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow Company (various towees - #8802020) in the sum of \$1,665.00 as a result of towing charges occurring on various dates, be, and the same is hereby approved.

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 167-89

THE CITY TOW COMPANY (various towees - #8802018)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow Company (various towees - #8802018) in the sum of \$1,877.50 as a result of towing charges occurring on various dates, be, and the same is hereby approved.

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 168-89

THE CITY TOW COMPANY (various towees - #8801969)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow Company (various towees - #8801969) in the sum of \$1,140.00 as a result of towing charges, be, and the same is hereby approved.

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 169-89

THE CITY TOW COMPANY (various towees - #8802019)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow Company (various towees - #8802019) in the sum of \$1,070.00 as a result of towing charges, be, and the same is hereby approved.

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 170-89

THE CITY TOW COMPANY (various towees - #8802195)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow Company (various towees - #8802019) in the sum of \$905.00 as a result of towing charges, be, and the same is hereby approved.

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 171-89

PAUL FRANK MAKAVECKAS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Paul Frank Makaveckas in the sum of \$842.28 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: Noivember 21, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 172-89

CITY TOW CO. (THOMAS, LESTER)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow Co. (Thomas, Lester) in the sum of \$720.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 16, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 173-89

WESTAMERICA BANK, N.A.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Westamerica Bank, N.A. in the sum of \$685.24 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 1, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 174-89

WOON JEONG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Woon Jeong in the sum of \$515.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 24, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 175-89

CITY TOW COMPANY (FLYNN, HOLLI E.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow Company (Flynn, Holli E.) in the sum of \$340.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 23, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 176-89

CITY TOW CO. (DAVIS, TONIE ANN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow Co. (Davis, Tonie Ann) in the sum of \$335.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 15, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 177-89

BENJAMIN F. TOBIN, III

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Benjamin F. Tobin, III in the sum of \$320.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 19, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 178-89

CITY TOW COMPANY (LIND, JOHN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow Company (Lind, John) in the sum of \$280.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 24, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 179-89

CITY TOW COMPANY (RANDALL, NATHAN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow Company (Randall, Nathan) in the sum of \$270.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 23, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 180-89

RAYMOND K.Y. LI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow Company (Randall, Nathan) in the sum of \$245.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 21, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 181-89

CITY TOW CO. (LANE, TYRONE ALLEN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow Co. (Lane, Tyrone, Allen) in the sum of \$235.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 25, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 182-89

CITY TOW CO. (SALTMAN, FREDRICK S.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow Co. (Saltman, Fredrick S.) in the sum of \$225.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 21, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 183-89

CITY TOW CO. (JENNINGS, SUSAN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow Co. (Jennings, Susan) in the sum of \$225.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 2, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 184-89

LISA ANN PANELLA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lisa Ann Panella in the sum of \$225.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 21, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 185-89

STAN WILLIAMS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Stan Williams in the sum of \$200.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 25, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 186-89

CITY TOW CO. (CITY CYCLE c/o RANDALL SIMMS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow Co. (City Cycle c/o Randall Simms) in the sum of \$200.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident:

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 187-89

WAYNE K. HON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Wayne K. Hon in the sum of \$200.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 3, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 188-89

DALE FREEMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dale Freeman in the sum of \$200.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 30, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 189-89

CITY TOW COMPANY (BRITTON, EVE MARCHANT)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow Company (Britton, Eve Marchant) in the sum of \$190.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 30, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 190-89

CITY TOW COMPANY (WATERS, KEVIN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow Company (Waters, Kevin) in the sum of \$190.00 as a result of a faulty tow, be,, and the same is hereby approved.

Date of Incident: April 8, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 191-89

CITY TOW COMPANY (MARLEY, ROBERT)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow Company (Marley, Robert) in the sum of \$175.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 7, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 192-89

CITY TOW (LESLIE J. HARRISON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Leslie J. Harrison) in the sum of \$170.00 for claimants allege sustaining refund due to non-payment, be, and the same is hereby approved.

Date of Incident: July 12, 1987 (waiver - July
22, 1987)

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 193-89

CITY TOW COMPANY (CHARLEY, CHRIS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow Company (Charley, Chris) in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 27, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 194-89

CITY TOW COMPANY (DUNCAN, JULIANA C.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow Company (Duncan, Juliana C.) in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 26, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 195-89

CITY TOW COMPANY (PEREZ, RENE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow Company (Perez, Rene) in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 21, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 196-89

CITY TOW COMPANY (O'SULLIVAN, M.E.O.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow Company (O'Sullivan, M.E.O.) in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 17, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 197-89

CITY TOW COMPANY (WHITE, MAE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow Company (White, Mae) in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 23, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 198-89

ARTHUR S. CASTILLO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Arthur S. Castillo in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 23, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 199-89

MICHAEL FAW

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael Faw in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 9, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 200-89

KATHERINE GIGLIO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Katherine Giglio in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 27, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 201-89

ERNEST LOUIE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ernest Louie in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 1, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 202-89

TERRY GIANNINI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Terry Giannini in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 4, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 203-89

MARK A. SCHENA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mark A. Schena in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 30, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 204-89

HOWARD L. WILLIAMS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Howard L. Williams in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 22, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 205-89

LOUIS A. MAES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Louis A. Maes in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 26, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 206-89

SUZANNE FRIEND

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Suzanne Friend in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: Stolen - November 23, 1988
Recovered - December 1, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 207-89

JAMES BRIAN NICHOLS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James Brian Nichols in the sum of \$90.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 15, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 208-89

MARY YOSHITSUGU

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mary Yoshitsugu in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 8, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 209-89

MILDRED L. CRAIG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mildred L. Craig in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 23, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 210-89

ASSAAD HANNA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Assaad Hanna in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 2, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 211-89

ALVARO MENDEZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Alvaro Mendez in the sum of \$80.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 12, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 212-89

VIVIAN HO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Vivian Ho in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 16, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 213-89

GERARD F. KAPTER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gerard F. Kapter in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 29, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 214-89

HILL CARTER MASER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Hill Carter Maser in the sum of \$65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 16, 1987

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

POLICE COMMISSION REPORT

Commissioner Giraudo said the Police Commission did not have a report this evening.

(a) PUBLIC COMMENTS

Mr. John O'Brien said that he appeared before the Commission a few weeks ago in regard to a complaint and wanted to know if the complaint is being investigated. Commissioner Giraudo then asked Mr. Langer, Director of the OCC, if the complaint was being investigated and Mr. Langer acknowledged that it was but that it was not complete. Commissioner Giraudo advised Mr. O'Brien that until OCC completes their investigation, there is nothing that the Commission can do. Mr. Langer advised Commissioner Giraudo that he might be able to have an estimate of how soon the investigation may take to complete by next week's meeting.

Mr. O'Brien said he also had another item and that was to commend an officer, bring it to the attention of the Commission and to the attention of

his fellow officers. He said that officer is Sergeant Forrest Fulton who is assigned to the Psychiatric Unit stationed at San Francisco General Hospital. He said he had an occasion to meet him at a meeting of the Community Mental Health System. He said at that time Sgt. Fulton gave a very creditable account of himself and of his unit. He said following the meeting he learned a little more about him. He said part of the Sergeant's work is intervening when people are suicidal. He said on one occasion the Sergeant was out when a man, a veteran, was either threatening to jump from some very high place near the ocean because the Veterans Administration Hospital wouldn't admit him to the Hospital and the Sergeant was able to convince the man that he would be able to get him into the Hospital. He said Sgt. Fulton then went with the man and got one of the Administrators of the VA Hospital to admit him. He said Sgt. Fulton is the kind of man that the Commissioners should be thinking of when the Commission is seeking replacements for the force as people retire. He said he would like to commend Sgt. Fulton to the Chief.

He then said he would like to call to everyone's attention here what he felt was the number one cause of homelessness in the streets of San Francisco and that is Child Abuse, not Spousal Abuse, not Parental Abuse, not Aged Abuse. He said other causes are technological changes number one nationally but not in San Francisco. He said he would conclude but would have more on this subject next time.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Frank Jordan said he had no additional items other than what is on the calendar tonight.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Michael Langer, Director of OCC, said that he had three brief items. One, he had occasion to meet with the command staff two times this week concerning Crowd Control Procedures and the recommendations made by the OCC to the Police Department in consideration in the upcoming procedural changes that will be made. He said the second item is that the Mayor has requested that any additional items in terms of money that have been pushed for in their budget be prioritized. He said they will be preparing a priority report which they will bring before the Commission next week. He said the Mayor has asked that he get the Commission involved in working with the OCC in going over those priority needs and then submit them by the 16th of February.

Commissioner Giraudo said alright, and that the Mayor has also invited the Commissioners to a meeting at 5:00 p.m. Monday night at 101 Grove, and it is along the same lines as he wants the Commissioners to get involved in the budgetary process.

Chief Jordan said the Department will be presenting their budget next week also at the Police Commission meeting as well.

Mr. Langer, in continuing, said the last item he had was that he had promised he would come before the Commission with a program for the Community Outreach

Process. He said they have begun the process and he would like a one week extension. He said on the 15th of February they will be presenting a program on Community Outreach.

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL OF A
SUPPLEMENTAL APPROPRIATION AMOUNTING TO \$58,000 TO
CONTINUE THE OCEANVIEW PARK PROJECT TO KEEP THE PARK
SAFE FROM DRUG DEALERS

Captain Diarmuid Philpott, Ingleside Station, said that the request that was submitted by the Chief for the Oceanview Park Project is for \$58,000. He said he was there to seek approval of that and to ask that it be increased to \$70,000 as that would take them through February 1990. He said in the meantime they will have time to go out and lobby with some other organizations to obtain funding to continue the detail even further into the future. He said the detail is working well and he had some people here tonight from Oceanview to speak for it and he would request that the Commission seriously consider making the amount \$70,000.

Chief Jordan said the Department has no objection to the \$70,000 because it is an excellent program and supports it very much. He said the only problem is that the Federal Guidelines in terms of calendar years are from January to December. He said it can be approved in concept but the funding will not go over \$58,000 for each calendar year.

Captain Philpott then introduced the following speakers who all praised the program very highly:

Mrs. Minnie Morgan, Chair of the Advisory
Committee
Mr. Steve Brooks
Ms. Betty Landers

Commissioner Nelder said he, as one of the founders of the PAL, would move approval and also commend the Community and Captain Philpott for doing an outstanding job. He said being completely familiar with the history, as it was pointed out over the years, it has been a very difficult situation out there. He said just a few years ago some of the Commissioners went out there and there was a transfer of drugs right there in their presence. He said so he thinks the area has come a long way and the thing for the Commissioners to do is to urge the people in the Community out there to keep up the good work and the Chief, Captain Philpott and the Community can rest assured that they have the support of the Commission to continue this work as the drug problem is the most serious problem that is here now in San Francisco. He said hopefully they would get the \$58,000 and also make a pitch for the rest of the funds to bring it to \$70,000 at the same time. Commissioner Lee seconded and it was unanimously approved.

RESOLUTION NO. 160-89

RESOLVED, that the Police Commission hereby approves a request for a supplemental appropriation amounting to \$58,000, which will appropriate funds from the Narcotics Forfeiture and Asset Seizure Fund to continue the Oceanview Park Project, with the

proviso that an additional \$12,000 would be immediately added at the beginning of calendar year 1990.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 159-89

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER HENRY J. FIKKERS, TARAVAL STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Henry J. Fikkers, Taraval Station as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of hearing of the disciplinary charges filed against Police Officer Henry J. Fikkers, Taraval Station, is scheduled for Wednesday, February 8, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

HEARING OF POLICE OFFICER RANDALL P. KOCHER, SOUTHERN STATION

The hearing of the disciplinary charges filed against Police Officer Randall P. Kocher, Southern Station, was called it having been set for this date. Police Officer Randall P. Kocher was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency, or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

SPECIFICATION NO. 2

Being intoxicated while on duty (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Police Officer Randall P. Kocher appeared in person and was represented by Mr. Stephen Whitmore, Attorney at Law.

An opening statement was not made by the Defense nor the Prosecution.

The following witness was called by the Prosecution, was sworn and testified:

Sergeant Pelham Wilmerding, Management Control Division

The following exhibit was entered into evidence by the Prosecution:

Exhibit #1 SFPD Intoxilyzer Checklist dated 11/28/88, Subject: Randall P. Kocher

The following witness appeared for the Defense, was sworn and testified:

Officer Randall P. Kocher, Auto Statistics

Officer Kocher entered a plea of guilty to both Specifications.

Commissioner Alfred Nelder made a motion to accept the plea of Officer Kocher, and was seconded and unanimously approved and accepted by the Commission.

Based on those findings, the Commission requested a recommendation from Chief of Police Frank M. Jordan. It is the recommendation of the Chief of Police that Officer Randall P. Kocher be terminated.

The Commission took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 162-89

DECISION - HEARING OF POLICE OFFICER RANDALL P. KOCHER, SOUTHERN STATION

WHEREAS, on December 5, 1988, Frank M. Jordan, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Randall P. Kocher, and

WHEREAS, the Commission having heard the matter, makes the following findings of fact as set forth in the following charges:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency, or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

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- (1) At all times herein mentioned, Randall P. Kocher, Star No. 1891 (hereinafter referred to as "the accused") was and is a Police Officer employed by the San Francisco Police Department and is assigned to the Patrol Bureau - Southern Station. However, the accused was suspended on November 28, 1988;
 - (2) As a Police Officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;
 - (3) At all times herein mentioned, the accused was on duty, in uniform and patrol duties at Southern Station;
 - (4) On or about November 28, 1988, at approximately 0800 hours, the accused reported for duty as scheduled. The accused's scheduled tour of duty was from 0800 hours until 1600 hours;
 - (5) On or about November 28, 1988, between about 0800 hour and 1543 hours, the accused operated a marked patrol vehicle;
 - (6) On or about November 28, 1988, between about 0800 hours and 1543 hours, the accused while on duty consumed an alcoholic beverage;
 - (7) The accused, by consuming an alcoholic beverage, while on duty and in uniform, has engaged in conduct which constitutes a violation of Rule III.A of General Order D-4 of the San Francisco Police Department, which states:

"Except as provided by Rule B-1 of General Order D-1, a member shall not consume any alcoholic beverage while on duty."

SPECIFICATION NO. 2

Being intoxicated while on duty (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

- (8) The allegations contained in Specification No. 1, paragraphs (1) through (6) are incorporated by reference as if fully set forth herein;
- (9) On or about November 28, 1988, at approximately 1543 hours, Captain Kenneth Foss, Star No. 597, spoke with the accused in the business office of Southern Station. During this conversation, Captain Foss detected an odor of alcoholic beverage on the accused's breath;
- (10) On or about November 28, 1988, at approximately 1543 hours, Captain Foss ordered the accused to submit to an intoxilizer test. After initially refusing Captain Foss' order, the accused submitted to the intoxilizer tests at or about 1545 hours. The results of the intoxilizer tests were .18 and .18 respectfully, and indicated that the accused's blood contained .18 and .18 alcohol by weight;

- (11) The accused, by consuming an alcoholic beverage while on duty and in uniform, by operating a patrol vehicle after consuming an alcoholic beverage, and by having a blood alcohol reading of .18 and .18 respectively, which indicates that the accused was intoxicated while on duty, has engaged in conduct which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, February 1, 1989, and on Wednesday, February 1, 1989, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specifications 1 and 2 as preferred by the Chief of Police against Police Officer Randall P. Kocher are sustained by a preponderance of evidence presented; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

Specification No. 1

- 1) The Commission imposes a 90-calendar day suspension with credit for 42 days served and 48 days left to be served.

Specification No. 2

- 2) The Commission imposes termination but to be held in abeyance for a period of four years, conditioned upon:
 - a) That Officer Kocher participate in a structured D-4 Program which includes at least 90 AA meetings in the first 90 days of the program.
 - b) Immediate notification to the Chief of Police's Office and to the Police Commission if Officer Kocher fails to comply with the provisions of his D-4 Program Contract.

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- 3) Submission to random unannounced testing for alcohol or illegal substances for four years administered by the Management Control Division.
 - 4) If any amount of alcohol or illegal substances are detected, or if Officer Kocher refuses to submit to a test, or if Officer Kocher fails to comply with the provisions of his D-4 Program Contract, he is to be immediately suspended and charges filed with the Commission with a recommendation that he be terminated, and;
 - 5) In conjunction with what the Commission has been hearing in the last few months with respect to these particular types of cases, the Commission has heard Therapists and Experts testify to the fact that a change of environment is sometimes helpful with respect to recovery. So the Commission is recommending and asks that the Chief through his Deputy Chief of Field Operations transfer Officer Kocher from Southern Station into another Station of the Chief's choosing or liking where Officer Kocher would have close supervision. The Commission is concerned that it took Captain Foss to discover his problem rather than middle management within the structure of the various stations. The Commission would therefore hope that the Chief will be able to find a Station where the supervision would be somewhat closer.

RESOLVED, that the forty eight (48) calendar days remaining in the 90 day suspension shall commence on Thursday, February 2, 1989 at 0001 hours and end Tuesday, March 21, 1989 at 2400 hours.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

Recess taken during the hearing of Officer Kocher:

6:50 p.m. to 7:05 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER EDDIE L. COLEY, POTRERO STATION

The hearing of the disciplinary charges filed against Police Officer Eddie L. Coley, Potrero Station, was called it having been set for this date. Police Officer Eddie L. Coley was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Leaving assigned duty post without permission (violation of Rule B-6 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in personal business while on-duty (violation of Rule B-2 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 3

Failure to promptly obey the lawful order of a superior (violation of Rule A-11 of General Order D-1 of the San Francisco Department);

SPECIFICATION NO. 4

Engaging in conduct which tends to subvert the good order, efficiency, or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Police Officer Eddie L. Coley appeared in person and was represented by Ms. Carole Seliger, Attorney at Law, on behalf of Mr. Lance Russell, Attorney at Law.

An opening statement was not made by the Prosecution nor the Defense.

The following witness was called by the Prosecution, was sworn and testified:

Sergeant Quinn Jones, Management Control Division

The following witness appeared for the Defense, was sworn and testified:

Sergeant William Carlin, Company C

The following exhibits were entered into evidence by the Prosecution:

Exhibit #1 San Francisco City and County Arrest Record, 8/28/87, Control H-3401

Exhibit #2 Police Commission Proceedings and Hearing, Resolution No. 100-87, on Officer Coley, 1/27/87, submitted to Civil Service Commission and Employees' Retirement System

Officer Coley entered a formal plea of guilty to all specifications.

Commissioner Alfred Nelder made a motion to accept the plea of Officer Coley and was seconded by Commissioner Pius Lee, and was unanimously approved and accepted by the Commission.

Closing statement was made by Attorney Seliger for the Defense.

Based on those findings, the Commission requested a recommendation from Chief of Police Frank M. Jordan. The following recommendations were made by Chief Jordan:

- 1) Imposition of 90-day suspension which was previously held in abeyance.

- 2) Specification No. 1: 30-day suspension, 5 days to be served concurrently with 90 day suspension;
- 3) Specification No. 2: 30-day suspension, 5 days to be served concurrently with 90 day suspension;
- 4) Specification No. 3: 30-day suspension, five days to be served consecutively after 90-day suspension;
- 5) Specification No. 4: 45-day suspension, 10 days to be served consecutively after five day suspension, with a total of 105-day suspension, with the remaining 110 days held in abeyance for one year.

The Commission took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 161-89

DECISION - HEARING OF POLICE OFFICER EDDIE L. COLEY, POTRERO STATION

WHEREAS, on February 9, 1988, Frank M. Jordan, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Eddie L. Coley, and

WHEREAS, the Commission having heard the matter, makes the following findings of fact as set forth in the following charges:

SPECIFICATION NO. 1

Leaving assigned duty post without permission (violation of Rule B-6 of General Order D-1 of the San Francisco Police Department);

- (1) At all times herein mentioned, Eddie L. Coley, Star No. 291 (hereinafter referred to as "the accused") was and is a Police Officer, employed by the San Francisco Police Department and is assigned to the Golden Gate Division - Potrero Station;
- (2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;
- (3) On or about January 22, 1987, the Police Commission found the accused guilty of violating Rule A-9 of General Order D-1 of the San Francisco Police Department. Based upon that finding, the Police Commission imposed a ninety (90) day suspension, which was held in abeyance for two (2) years, to be automatically imposed if the accused

- (11) The accused, by repairing his wristwatch in his personal vehicle, on or about August 29, 1987, while assigned to Station Keeper duties, has engaged in conduct which constitutes a violation of Rule B-2 of General Order D-1 of the San Francisco Police Department, which states:

"Members shall not, while on-duty, engage in personal business or in any other activity, that would cause them to be inattentive to duty."

SPECIFICATION NO. 3

Failure to promptly obey the lawful order of a superior (violation of Rule A-11 of General Order D-1 of the San Francisco Police Department);

- (12) The allegations contained in Specification No. 1, paragraphs (1) through (8), and Specification No. 2, paragraphs (9) through (11), are incorporated by reference as if fully set forth herein;
- (13) On or about August 29, 1987, at approximately 0243 hours, Sergeant Seim ordered the accused to prepare a memorandum explaining the reasons for his absence from his assigned duties and his failure to sign out in the log book. Sergeant Seim also advised the accused that he expected the memorandum to be submitted in an hour;
- (14) The accused did not begin to prepare the memorandum requested by Sergeant Seim until after Sergeant Seim ordered him to submit the memorandum on two(2) separate occasions;
- (15) On or about August 29, 1987, at approximately 0545 hours, the accused submitted the requested memorandum to Sergeant Seim;
- (16) The accused, by submitting a memorandum on or about August 29, 1987, at 0545 hours, approximately three (3) hours after he was ordered to prepare the memorandum and after being ordered on three (3) separate occasions to prepare the memorandum, has engaged in conduct which constitutes a violation of rule A-11 of General Order D-1 of the San Francisco Police Department, which states:

"Members shall promptly obey all lawful orders of superiors. If a member is given an order which conflicts with previous orders or with written directives, the member shall advise the superior of the conflict and proceed according to the superior's direction."

SPECIFICATION NO. 4

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order B-1 of the San Francisco Police Department).

- (17) The allegations contained in Specification No. 1, paragraphs (1) through (8), Specification No. 1, paragraphs (9) through (11), and Specification No. 3, paragraphs (12) through (16) are incorporated by reference as if fully set forth herein;
- (18) On or about August 29, 1987, at approximately 0540 hours, Lieutenant Alan Mould, Star No. 1755, signed into the log book and assumed command of Ingleside Station;
- (19) On or about August 29, 1987, at approximately 0550 hours, Lieutenant Mould checked the cell area of Ingleside Station and found a prisoner in one of the cells. Lieutenant Mould then checked the booking cards and discovered that the prisoner was booked at 2245 hours the previous evening, and charged with violating Section 6437(f) of the Penal Code and was to be released when sober. Lieutenant Mould asked the accused why he had not released this prisoner and the accused responded that he had misread the booking time for the prisoner. Lieutenant Mould then ordered the accused to release the prisoner;
- (20) The accused, by failing to release a prisoner who was arrested for violating Section 647(f) of the Penal Code (Release When Sober) in a timely manner, has engaged in conduct which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, February 1, 1989, and on Wednesday, February 1, 1989, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specifications 1, 2, 3 and 4 as preferred by the Chief of Police against Police Officer Eddie L. Coley are sustained by a preponderance of evidence presented; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of

the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

- 1) Imposition of 90-day suspension which was previously held in abeyance.
- 2) Specification No. 1: No Penalty
- 3) Specification No. 2: No Penalty
- 4) Specification No. 3: 30-day suspension, 3 days to be served consecutively after the 90-day suspension, and the remaining 27 days to be held in abeyance
- 5) Specification No. 4: 45-day suspension, 2 days to be served consecutively after the 3-day suspension, with a total of 95-day suspension, and the remaining 70 days held in abeyance for one year.

RESOLVED, that said suspension of ninety-five (95) days shall commence on Thursday, February 2, 1989 at 0001 hours and end Sunday, May 7, 1989 at 2400 hours; and be it further

RESOLVED, that the remaining seventy (70) days will be held in abeyance for one (1) year, and if any violation occurs during the year, the 70 days will be imposed.


AYES: Commissioners Giraudo, Lee, Nelder, Orr-Smith
ABSENT: Commissioner Medina

Recess taken during the hearing of Officer Coley:

7:51 p.m. to 8:10 p.m

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR).

The meeting was thereafter adjourned at 8:13 p.m.


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

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Minutes
FEBRUARY 8, 1989

CLOSED SESSION

The ~~Police~~ Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Wednesday, February 8, 1989 at 1700 hours in Closed Session.

Commissioner Giraudo presiding.

1. Attorney-Client Conference
2. Personnel Matter

DOCUMENTS DEPT.

MAY 23 1989

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioners Nelder, Orr-Smith

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FEBRUARY 8, 1989

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, February 8, 1989 at 1730 hours in a Regular Meeting.

Commissioner Giraudo presiding.

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioners Nelder, Orr-Smith

APPROVAL OF MINUTES OF MEETING OF NOVEMBER 2, 1988

Approval of Minutes of Meeting of November 2, 1988, the Commissioners having received, approved, and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claim against City and County of San Francisco:

RESOLUTION NO. 220-89

JORGE VASQUEZ vs. CITY AND COUNTY OF SAN FRANCISCO,
et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Jorge Vasquez in the sum of \$2,500.00 in U.S. District Court No. C88-1347 entitled "Jorge Vasquez vs. City and County of San Francisco, et al" as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 17, 1987

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioners Nelder, Orr-Smith

POLICE COMMISSION REPORT

Commissioner Giraudo announced that the Police Commission met in Executive Session this evening on a Personnel Matter and no vote was taken.

(a) PUBLIC COMMENTS

Mr. John O'Brien asked if there had been any progress on the complaint he and Mr. Thompson had filed with the OCC earlier. Mr. Michael Langer, Director of OCC, said he had an update and that the investigation is nearing completion and will be ready to go to the Commission on the 1st of March. Mr. O'Brien said the second item he had would be to commend a couple of Officers, however he was unable to attain their names or badge numbers. He said he was able to obtain the car number they were in which is 224-3E. He said they are assigned to the swing shift from approximately 10 or 10:45 PM. He said a member of his task force, a man of about 23, had earlier tried suicide. He said 911 had been called and this car with the officers arrived. He said the man had originally trashed his room and was threatening to cut his wrist and one of the officers kicked the glass out of his hand and gave him the dutch uncle lecture. He said because of this he wanted to commend that officer and his partner. He said it is instances like this where humans are interacting with each other that he would like to see more of. He said the final thing he wanted to do was present a document that he typed up over the week and he has only one copy of this document but it is on the causes of homelessness and some statistics as they appear to him. He said he would leave the copy for the Commission and for Chief Jordan.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Frank Jordan said he had no additional items other than what is on the calendar and he would have some comments during the Budget Section item.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Langer, Director of OCC, said he had two items and the first one is the issue of one of their former employees who filed a multi-million dollar lawsuit against the OCC for reverse discrimination. He said the U.S. District Court ruled on it today and they, OCC, received the finding which was in favor of the City and County of San Francisco. He said the second item is a matter where he has given Lieutenant Frazier five copies of the OCC Budget documentation on the OCC Forms and ask that they be reviewed this week and be considered on next week's calendar as there was an additional amount, a very small amount, that has to deal with their real estate account. He said the second attachment is from the Deputy City Mayor of Finance who asked that the OCC prioritize their programs and requires that the Police Commission become involved in Prioritization Process which, within the forms, requires both the President of the Police Commission's signature and the OCC Director's signature. He said the third attachment is a consideration for reducing the OCC Budget by 5% which is based upon this year's figure. He said they looked at their budget and they tried to accomodate that request but they find they were only able to reduce it by approximately 2 1/2 to 3% so he would like that on calendar next week. He said several weeks ago he came in here and he stated that the OCC was 600 cases behind and when you stop and you think about 600 cases you are not talking about

600 cases but 1200 plus people. He said you are talking 600 officers and 600 or more complainants. He said he felt when you think in those terms it is a very significant number. He said that, coupled with their backlog of cases, their investigative hearing officer problem, the other issues that are brought before the Commission and now the added responsibility of the demonstration coverages and also the outreach program which the OCC is preparing to present next week, he said, it is very important that the Commission be cognizant of the fact the OCC can't reduce its budget but it must increase its budget. He said their request was for an approximately 54% increase so he would ask Commissioner Giraudo to present the case personally to the Mayor and put in a pitch for them because the OCC needs the additional money. He said he felt that after 5 1/2 years, they will have to start charting a more steady course and they need the people and the resources in order to fulfill their Charter Mandated duties which they are not at this time fulfilling.

Commissioner Giraudo said he would review it, look forward to the questions the Commissioners will have next week about prioritization, and he would be happy to sit with the Mayor to discuss the OCC Budget as an advocate.

REQUEST OF THE CHIEF OF POLICE FOR POSTPONEMENT OF
TAXICAB PUBLIC CONVENIENCE AND NECESSITY REPORT
PREVIOUSLY SCHEDULED FOR APRIL 19, 1989

Officer Linda Flanders from the Taxicab Section appeared on this item and said that previously Lieutenant Wilson and herself were working together to do the Annual Public Convenience and Necessity Report. She said Lieutenant Wilson is now no longer with the Unit and as of December 1988 a new Ordinance, Article 16, was passed by the Board of Supervisors effective the 1st of March. She said to be able to implement and put into effect this new Ordinance, the Detail has to do at least 12 to 15 things, and once this Ordinance is implemented the effect on the Taxicab Industry will have very significant ramifications of PC&N. She said because of their staff shortages, they feel that the implementation of Article 16 should take precedent over the PC&N report and that is why they are now asking to take it off calendar. She said basically Article 16 is going to require that all of the forms the Permit Section has, as far as Taxi's, are going to have to be updated and changed. Also, she said, it creates two new permits and a new fee calendar. She said to give the Commission a report on April 19th with the staff they have and the information they have at the moment would make it a very non-productive report.

Commissioner Giraudo said the matter should be left on the calendar until April 19th and Officer Flanders can come in at that time with information as to where they stand. Commissioner Medina said he would make that motion, seconded by Commissioner Lee and unanimously approved.

RESOLUTION NO. 215-89

REQUEST OF THE CHIEF FOR POSTPONEMENT OF TAXICAB
PC&N REPORT SCHEDULED FOR APRIL 19, 1989

WHEREAS, the hearing on the request of the Chief of Police for postponement of Public Convenience and

Necessity Report for Taxicab scheduled for April 19, 1989 was called, it having been scheduled for this date; and

WHEREAS, the Police Commission has denied the request for postponement and feels some type of report or status report on the Taxicab Public Convenience and Necessity should be presented on April 19, 1989; therefore be it

RESOLVED, that the date for the hearing on Public Convenience and Necessity for Taxicabs remains set for Wednesday, April 19, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina,
ABSENT: Commissioners Nelder, Orr-Smith

RESOLUTION NO. 216-89

SALE AND TRANSFER OF PATROL SPECIAL BEATS #10 AND #20

WHEREAS, Patrol Special Officer Albert L. Robles has requested permission to sell and transfer Patrol Special Beats #10 and #20 to Assistant Patrol Special Gilbert Andrus, and

WHEREAS, Patrol Special Officer Alberto Robles and Gilbert Andrus have entered in an agreement for the sale and transfer of Beats #10 and #20, and

WHEREAS, all requirements of Rule 1.53 of the current Rules and Procedures of Patrol Special Officers have been met; therefore be it

RESOLVED, that ownership of Patrol Special Beats #10 and #20 are transferred from Albert L. Robles to Gilbert Andrus and, be it that Gilbert Andrus is hereby appointed as a Patrol Special Officer with the exclusive right to conduct business as a Patrol Special Officer on Beats #10 and #20.

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioners Nelder, Orr-Smith

RESOLUTION NO. 217-89

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE CAPTAIN DONALD A. GOAD, PATROL DIVISION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Captain Donald A. Goad, Patrol Division, as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of hearing of the disciplinary charges filed against Police Captain Donald A. Goad, Patrol Division, is

scheduled for Wednesday, February 15, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioners Nelder, Orr-Smith

RESOLUTION NO. 218-89

SETTING OF DATE FOR HEARING OF POLICE OFFICER HENRY J. FIKKERS, TARAVAL STATION

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer Henry J. Fikkers, Taraval Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law for the San Francisco Police Department, that the date for the hearing of disciplinary charges filed against Police Officer Henry J. Fikkers, Taraval Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law for the San Francisco Police Department, that the date for the hearing of disciplinary charges filed against Police Officer Henry J. Fikkers be set for March 1, 1989; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Officer Henry J. Fikkers is set for Wednesday, March 1, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioners Nelder, Orr-Smith

RESOLUTION NO. 219-89

HEARING OF POLICE OFFICER JEAN J. POWERS, RICHMOND STATION

WHEREAS, the date for the hearing of the disciplinary charges filed against Police Officer Jean J. Powers, Richmond Station, was called it having been scheduled for this date; and

WHEREAS, it was the opinion of Dr. Carolyn B. Block, Clinical Psychologist, that the medical condition of Officer Powers would prevent him from participating in the hearing at this time; therefore be it

RESOLVED, That the date for the hearing of disciplinary charges filed against Police Officer Jean J. Powers is continued to Wednesday, April 26, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioners Nelder, Orr-Smith

PROPOSED POLICE DEPARTMENT OPERATING BUDGET FOR FISCAL YEAR 1989-1990

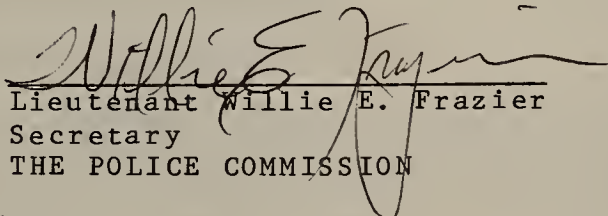
Lieutenant John Robinson of the Fiscal Division presented the matter of the Budget for the SFPD to the Commission. He said the Commissioners had already been provided some preliminary information and there were some corrections that were distributed this evening. He said those corrections are just an addition of one item that the Chief

wanted and everything else in those packets remain the same. He then explained how the budget process differed this year than in prior years. He said in those prior years the Budget was constructed by the Department and presented in its completed form more or less to the Commission for approval or changes. He said this year the Mayor's Staff has asked that the Department present some working information to the Commission so that the priorities and increases and cuts that may ultimately be made can be discussed in this forum. He said the summary of the Budget that is being presented is based on historical data and is a Zero Based Budget where the current year operating budget amount is taken and based on projected revenues, that the city expects to have, the Mayor's Budget Staff has given the Department a figure of \$186,000,000 as available to fund the Police Department Operations. He said that is with giving consideration in areas of increases to the restoration and replacement of Flett, those things that were cut in the current fiscal year. He said because of attrition in the sworn ranks, the salary savings is taken right off of the top of that figure and it brings the 186 million down to 180 million which would allow the Department to operate at its current strength for the next fiscal year. He said there are two figures, additions and reductions, there that he would go into in-depth on the other charts that will display each one of those and if they are all adopted by the Commission it will allow the Commission a final budget figure of 185 million which will be a savings of \$1,104,000.00 over that figure that was originally given to the Department by the Mayor's Staff.

Chief Frank Jordan entered into the discussion and said to the Commission that the Department had looked at this budget as realistically as it could and based on the meeting last week with the Mayor and the Department Heads of all of the SFPD's items have been put into a priority order as displayed to you by the charts as shown here tonight. The Chief said the Department did a very in-depth honest appraisal of what they thought they were looking at in terms of priorities and placed them right in the order that they judge them to be from the highest to the lowest.

After further discussion, Commissioner Giraudo said the kind of question about the presentation made by Lieutenant Robinson tonight is that he would like for the Lieutenant to come back with a response at next week's meeting with facts on replacing 35 Department vehicles and why.

Thereafter, a motion was made to adjourn, it was seconded, the meeting was adjourned at 7:35 p.m.


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

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FEBRUARY 15, 1989

CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Wednesday, February 15, 1989 at 5:00 p.m. in Closed Session.

Commissioner Giraudo presiding.

DOCUMENTS DEPT.

1. Personnel Matter

MAY 31 1989

AYES: Commissioners Giraudo, Lee, Medina,
Nelder, Orr-Smith

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FEBRUARY 15, 1989

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, February 15, 1989 at 5:30 p.m. in a Regular Meeting.

Commissioner Giraudo presiding.

AYES: Commissioners Giraudo, Lee, Medina,
Nelder, Orr-Smith

APPROVAL OF MINUTES OF MEETING OF NOVEMBER 9, 1988

The minutes of the meeting of November 9, 1988 were approved, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 227-89

DOUGLAS UYENO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Douglas Uyeno in the sum of \$127.50 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 16, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 228-89

EDGAR F. APARICIO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Edgar F. Aparicio in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 1, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

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RESOLUTION NO. 229-89

ALLAN S. LEFEVRE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Allan S. LeFevre in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 15, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 230-89

WILLIS E. REED

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Willis E. Reed in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 2, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 231-89

KATHLEEN FLANNIGAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kathleen Flannigan in the sum of \$115.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 5, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 232-89

HASIM R. GURELI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Hasim R. Gureli in the sum of \$102.50 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 16, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 233-89

ANDREA VIRACHKUL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Andrea Virachkul in the sum of \$100.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 14, 1987

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 234-89

GEOFFREY FOLLIN

RESOLVED, that the recommendation of the City Attorney of the settlement of the claim of Geoffrey Follin in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 14, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 235-89

MELANIE LEIDECKER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Melanie Leidecker in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 9, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 236-89

MARIA ORTIZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Maria Ortiz in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 19, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 237-89

R. L. HENDERSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of R. L. Henderson in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 13, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 238-89

EUGENE H. IDE, JR.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Eugene H. Ide, Jr. in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 27, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 239-89

JOSEPH VALDEZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joseph Valdez in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 18, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 240-89

DANIEL A. CONRAD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Daniel A. Conrad in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 23, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 241-89

AMANDA R. FLYNN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Amanda R. Flynn in the sum of \$99.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 19, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 242-89

JAMES C. PHAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James C. Phan in the sum of \$90.00 as a result of a damages sustained, be, and the same is hereby approved.

Date of Incident: October 14, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 243-89

MATTHEW H. RABUZZI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Matthew H. Rabuzzi in the sum of \$87.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 18, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 244-89

DUSTIN LOGAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dustin Logan in the sum of \$80.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 11, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 245-89

TOM HEFFERNAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Tom Heffernan in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 29, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 246-89

MARION LARSEN/KENT USTIANTSEFF

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Marion Larsen/Kent Ustiantseff in the sum of \$80.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 9, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 247-89

KEVIN MALLEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kevin Mallen in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of incident: December 12, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 248-89

VICTOR HAPIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Victor Hapin in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 16, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 249-89

MARTHA CROWELL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Martha Crowell in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 24, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 250-89

LON FOUTS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lon Fouts in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 19, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 251-89

SCOTT L. SMITH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Scott L. Smith in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 16, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 252-89

STEVEN APPLETON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Steven Appleton in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 9, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 253-89

DEBRA A. LEWANDOWSKI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Debra A. Lewandowski in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 30, 1987

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 254-89

STEVEN FOX

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Steven Fox in the sum of \$55.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 17, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 255-89

TERESA CHAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Teresa Chan in the sum of \$15.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 24, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

POLICE COMMISSION REPORT

Commissioner Giraudo said the Commission met in Executive Session this evening on a Personnel Matter

and no vote was taken. He said, also, the Commission is asking that the Chief of Police, over the next three to four weeks, take a look at policy that is in existence regarding Hot Pursuit by Police Officers simply because the Department has had a number of incidences over the last six weeks involving San Francisco Police Department Squad Cars and report to the Commission the state of the Police as it exists today and whether or not in his professional judgment if there are some changes that could or should be made.

Commissioner Giraudo then announced that the Commission has received the City Attorney's Opinion with respect to the Bush Demonstration and the OCC Complaint and Report and the subsequent events that occurred thereafter by virtue of the Chief of Police's decision. He said as the Commission had publicly promised to the ACLU, CUAV and the NLG that the Commission will not take that matter up until next Wednesday, at which time the Commission will welcome public comment with respect to that Opinion and what that Opinion means. He said the Commission would hope that those organizations that intend to opine or to persuade the Police Commission in one form shape or manner, with respect to the Opinion that has been rendered by the City Attorney's Office, that the Commission would receive those thoughts before Wednesday so that they can each reach them prior to their being here as a Commission. He said hopefully at that time the Commission will either make a decision to make a decision within a week or to make a decision that evening.

Commissioner Medina said that he was somewhat upset not to have received the City Attorney's decision until late this afternoon and it was also upsetting to read a synopsis of it in the morning Chronicle. He said so he had not as of this date had an opportunity to review the Opinion. He said in the future he would like to receive any future City Attorney Opinions in a timely manner as it is more appropriate that they go to the Police Commission even before the Press or at least simultaneously. It was pointed out to the Commission that Mr. John Morris, Deputy City Attorney, had personally made deliveries on Monday, a Holiday, but inadvertently or somehow did not get it to Commissioner Medina.

(a) PUBLIC COMMENTS

There were no public comments requested to be made at tonight's meeting.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan said the only item he had is an update on an item he had of a previous issue and that had to do with a Flyer that was floating around the building with a connotation of "Officer for Just Us". He said they have been able to come up with one officer that he is pursuing now in terms of his own discipline as the Department was able to come up with a fingerprint on the Flyer. He said they will have to now find out how this officer's fingerprint got there and right now, through his attorney, the officer is making no comment. He said he would continue to keep the Commission advised.

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Commissioner Orr, on another matter, said as promised in the past the Commission is going to have a community meeting and the Commission has been working with Captain Arnold of Community Services. The date for that meeting is March 6, 1989 at 7:00 p.m. at the Chinese Six Companies, 843 Stockton Street. She said the formal flyers of notification will be going out shortly. Commissioner Giraudo said it will be a Special Police Commission Meeting with the attendance of the Chief of Police and the Director of the OCC to have public input into the police processes dialogue between the Commission and the Community.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Director Langer, OCC, said he had two items, the second one he said is the following calendared item. He said he would like to begin the discussion on the first item which is the Community Outreach Program. He then introduced his two Investigators, Mr. Larry Shockey and Mr. Charles Gorman, and said that Investigator Shockey would present an outline of the program to the Commission. Mr. Shockey said that although he was the presenter of this program tonight, Mr. Gorman played a very integral part in the preparation of the report. He said he and Mr. Gorman have met with several groups for the purpose of putting the outline together. He said during those discussion they met with Commissioners Giraudo, Orr and Medina and also with John Crew of the ACLU. He said this is basically what they have come up with.

Mr. Shockey said the purpose of the OCC's Community Outreach Program would be to, (1) let people in the Communities know that the OCC exists, why it is there, what it does and the purposes for its function. He said they want to create an atmosphere which would encourage citizens to come forward with their complaints so that any citizen who has a complaint will feel comfortable in coming forth with that complaint. He said the program is very broad and includes everything from Community Group Meetings by the Director and appropriate staff to public appearances on television and radio talk shows, public service announcements to a quarterly newsletter and ultimately distribution of the OCC Complaint Forms at Community Group Headquarters. He said the program will be monitored by quarterly reports by the Director to the Commission which will include the names of groups that they have gone to, how many people in a group, the topics discussed and the names of the OCC Staff members who were present. He said there are several programs for implementation of this which include, (1) the development of a Friends of the OCC Organization which would be similar to the Department's Friends of the SFPD. He said this would be formed for the purpose of assisting the OCC in achieving some of its goals in laying some funding and donating some services, things like printing, layout design, mailing services and things that are not currently addressed in the OCC's budget. He said the first place they would begin looking for some of these friends would be to contact some of the individuals who comprised the former Advisory Panel to the OCC for their support and ideas on other contacts that they could make for sponsors. He said they would anticipate that they would contact not less than 25 major corporate

sponsors and at least that many individual sponsors for people who would be incorporated into this group. He said finally they also determined that it may be helpful to establish a corporate advisory group for resource development to assist the OCC in determining exactly what services are available to them in this program. He said their timeline on this particular aspect is to have their sponsors identified by February 28th with a follow-up to the Commission on the status of the organization no later than June 1st.

He said the next program is Outreach to Community Groups for whom they propose a mailing to the various community groups in the City of San Francisco. He said they have identified a list of 2,000 community groups and while they do not anticipate contacting all of them immediately, they hope to contact at least 30 community groups and to target at least 30 of the more mainstream groups in the City to advise them that the OCC's Director and Staff are available to come to their groups, to come to their Board of Directors, to tell them about the OCC, who they are, why they are here and what they do. He said this would be done hopefully to gain some insight on the part of these groups as the police complaint process is sometimes confusing. He said also groups would be hosted quarterly in the OCC's Offices to give them an idea of the OCC in action. He said they also figure that at some point and time these groups would be approached with respect to maintaining complaint forms on file in their offices. He said there are certain lists that they can buy and they should look into that. They also have some free lists and they will be looking at those as well.

He said they would also like the Commission, if it is aware of any particular community groups that they would like the OCC to contact to please give the names of those groups to any one of the four of the Staff present tonight and they will see that those people are included on the list. He said the next program was media appearances and they feel the Director of the OCC should be encouraged to do these.

He then spoke of Press Releases--not to be done without review of Commission or its designee, implementation of phase and letter to all news media in the Bay Area regarding radio talk shows. He said the Newsletter would contain OCC news, complaints received, investigated, recommendations to the Police Commission and the Director's quarterly appearance calendar. He said the first Newsletter was intended to be ready April 1, but since their Friends Organization would not be in effect prior to June 1st, the Newsletter would have to have a timeline of July 1st for dissemination, and then there would also be Public Service Announcements made.

He said OCC Staff would do Community Outreach but to supplement this they would recommend that the OCC Director or the Police Commission contact IBM or Xerox Corporations which have Employee Loan Programs to see if they could provide assistance to basically take over the functions of Community Outreach Staff person in the OCC Office to run the Program. Commissioner Giraudo said that he hopes that the Outreach Program goes to the entire breadth of San Francisco and not just to particular communities that

happen to have or express an interest in the last 30 days in the OCC and that people who live west of Twin Peaks will find out that there is an OCC and what it is and why it is, and why they did or didn't vote for the expansion of its budget.

Mr. John Crew, ACLU, said that this Community Outreach Program is long overdue and it strikes fundamentally to what the OCC is supposed to be about for the last six years. He said the OCC is not a civilian version of the Department's old Internal Affairs. He said the voters created something different and this sort of outreach visibility would encourage and facilitate all of the OCC's functions, i.e. To Investigate Complaints. It is the policy of this Commission to encourage people to come forward with their complaints. He said purpose No. 2 is statistics to be released and published, (3) Police recommendations are not only to produce policy but to reduce tensions within definable segments of the community. He then continued on a point by point in depth discussion of each of the Outreach Program proposals and concluded by saying that the Mayor's Committee specifically stated that this was a very big job and requested that there be a separate community liaison/press person to handle this. He said the OCC has a huge backlog right now and there is going to be increased public expectation from this sort of program. He felt it is incumbent that the OCC in doing all of this be able to handle all of the job.

Commissioner Giraudo said that he felt that the Mayor's Committee that was appointed by Dianne Feinstein stand up and put their money where their mouths are and they should be able to fund that position. He said he would encourage Mr. Crew, along with Director Langer, to approach those people on an individual basis and ask them to fund that position. Commissioner Orr said she would make a motion to accept the Community Outreach Program Proposal as submitted by the OCC, seconded by Commissioner Medina and unanimously approved.

RESOLUTION NO. 225-89

SETTING OF DATE FOR HEARING OF POLICE CAPTAIN DONALD A. GOAD, PATROL DIVISION

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Captain Donald A. Goad, Patrol Division, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law for the San Francisco Police Department, that the date for the hearing of disciplinary charges filed against Captain Donald A. Goad be set for April 12, 1989; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Captain Donald A. Goad is set for Wednesday, April 12, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

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RESOLUTION NO. 226-89

HEARING OF POLICE OFFICER ROWLAND WING, PARK STATION

WHEREAS, the date for the hearing of the disciplinary charges filed against Police Officer Rowland Wing, Park Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law for the San Francisco Police Department, that the date for the hearing of Police Officer Rowland Wing be continued to May 3, 1989; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Officer Rowland Wing, Park Station, is continued to Wednesday, May 3, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 221-89

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER MANUEL F. ROBLETO, POTRERO STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Manuel F. Robleto, Potrero Station, as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

SPECIFICATION NO. 3

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 4

Failure to answer questions asked by the Management Control Division truthfully and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

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by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of hearing of the disciplinary charges filed against Police Officer Manuel F. Robleto, Potrero Station, is scheduled for Wednesday, February 22, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

REQUEST FOR POLICE COMMISSION APPROVAL OF AMENDMENTS TO OCC FISCAL YEAR 1989-1990 BUDGET (REGARDING PROPERTY RENTAL COST AND PRIORITIZATION OF PROPOSED 1989-1990 BUDGET ADDITIONS, RESULTING IN A 3.24% OVERALL BUDGET REDUCTION)

During the Commission discussion on this item with Director Langer, Commissioner Giraudo said that he would ask that he take a look at the \$10,000 cost of the new furniture for new personnel and see if that expenditure is necessary to that extent. The travel and training \$11,000, he said, is an estimate against having spent nothing last year and projecting what it may be this year, and he felt that it may also be high.

Commissioner Lee registered his concern about the projected cost of training for new personnel and asked if training could be done on a local level instead of sending investigators to other cities to be trained.

Commissioner Giraudo said he would like to see this new system for Data Processing and he would like to give it to the MIS Director of his company to see whether the OCC is being cost efficient against their needs. He said he would like a definition of the OCC needs and \$80,000 for those needs seems like a lot of money as to what he sees in terms of Staff, the staffing requirements and what the need may be of the OCC. He said to Mr. Langer that if he could get that to him, he would get the MIS Director of his Company to take a look at it and in short order come back with a response determining if there is true definition as to what the needs are.

Mr. John Crew, ACLU, said he would like to comment and point out that in terms of staffing the OCC is talking about a 3.2% decrease and this agency is in a desperate situation and he could not emphasize that strong enough. He said a month ago when Mr. Langer proposed the budget to the Commission, Mr. Langer pointed out that the OCC had a 600 case backlog and that is 600 officers who are waiting up to a year to get a determination on their complaint. He said it is also 600 complainants who went to the trouble to file their complaints and who are waiting up to a year to find out the results. He said it is potential cases that need action from the Department and the Department management is waiting for those cases to be completed by the OCC and increasing this agency by four new investigators is absolutely necessary. He said it is not fair to this Administration or to the Mayor that you inherited a totally underfunded agency nor is it fair that the Mayor inherited the budget crisis. He said but if we

are going to have a civilian oversight agency that works, that's professional, we have to fund it at a reasonable level and it is nowhere near that. He said Mr. Langer also pointed out at that time something really startling, and that was there has been no investigative hearings in the OCC since July. He said the investigative hearing component was always viewed as a very essential part of the fact finding process and is one of the things that made it different from Internal Affairs.

Mr. Crew said regarding demonstrations, he thought it was wonderful that the Mayor and the Commission has assigned the OCC to have a large role at demonstrations. He said he would point out that there were demonstrations around the allocation of troops to Honduras last March and the OCC received in the range of 50 or 60 complaints and they are still waiting to be adjudicated. He said so you have an agency that is trying to do the job without the resources. He said he can't say strongly enough that it is high time that they get the investigative staff.

Commissioner Orr, in her comments to Mr. Langer, said that he had been saying to the Commission that the OCC has had 600 cases for quite some time and she would like to know when will it move or is it 500 now or is it 585 or just when is that going to change from the 600 figure. Mr. Langer said that number changes from hour to hour but he said the OCC couldn't give the Commission an accurate count at this time without checking the computer record. He said that number could be down from as many as 100 to 150 cases. He said but despite that, with the investigative staff they presently have, the cases are coming in four to five times more than they can handle.

Commissioner Orr said she appreciated his response but she would like to hear a pro-active approach and a pro-active answer and maybe the OCC needs to separate the old cases from the new cases but she wanted to hear about some appreciable impact. She said each week Mr. Langer keeps telling the Commission there is a 600 case backlog and as the Director of OCC who has just hired four new investigators, she wanted to get a sense that there is some movement. She said that would make her get more excited about lobbying for more things to come and she just needed to have a sense that the Agency is still not just sitting in quicksand.

Commissioner Giraudo said he would echo Commissioner Orr's comments and just hope that the complaints that come in are being measured and prioritized, as Mr. Silva points out, and that as that occurs the OCC should measure what it is it needs in people power to have the output from the input in terms of productivity.

After further discussion, Commissioner Nelder made a motion to approve the item as requested and it was seconded by Commissioner Nelder and unanimously approved.

RESOLUTION NO. 222-89

AMENDMENT TO OCC BUDGET FOR FISCAL YEAR 1989-1990

RESOLVED, that the Police Commission hereby approves the amendment to the budget for Office of

Citizen Complaints for Fiscal Year 1989-1990, relating to property rental cost and prioritization of proposed 1989-1990 budget additions, resulting in a 3.24% overall budget reduction.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL TO ACCEPT USED OFFICE EQUIPMENT AND MISCELLANEOUS SOFTWARE TO BE DONATED BY THE LAW FIRM OF TAYLOR AND HINTZE, ESTIMATED AT APPROXIMATELY \$4,500

Deputy Chief Will Casey said that the Department is not too proud to accept used equipment. He said this is an offer from a law firm to the Department and they are donating some typewriters and other office things that the Department needs. He said this equipment is old but it is usable and if the Commission approves, the Department would appreciate it. Commissioner Nelder said he would move approval, Commissioner Lee seconded and it was unanimously approved.

RESOLUTION NO. 223-89

AUTHORIZING ACCEPTANCE OF USED OFFICE EQUIPMENT AND MISCELLANEOUS SOFTWARE DONATED BY THE LAW FIRM OF TAYLOR AND HINTZE

RESOLVED, that the Police Commission hereby authorizes the Chief of Police to accept on behalf of the San Francisco Police Department the following office equipment donated by the law firm of Taylor and Hintze:

- Two Dictaphone Printers
- Two Dictaphone Dual Display
- Two Dictaphone Archives
- Two Dictaphone Monitors

- One IBS Memory Typewriter
- One IBM Redaction Editing Typewriter

- Two Wang Word Processing Terminals
- Two Wang Printers
- One Wang Archive
- Miscellaneous Software for the above equipment

The value of the combined items is approximately \$4,500. All items are several years old.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

PUBLIC HEARING ON POLICE DEPARTMENT PROPOSED BUDGET FOR FISCAL YEAR 1989-1990

Lieutenant John Robinson of the Fiscal Division presented this matter and said last week during his presentation about what the Department's budget situation was, with recommendations to the Chief about priorities for additions and reductions and the Commission asked him to provide some specific additional information this week in regard to some of the Fleet issues. He said if the Commission wanted

him to recap the entire budget as he did a week ago, he would be happy to do so. Commissioner Giraudo said he did not think that the Lieutenant had to recap the entire budget but he did want to hear what he had on the Fleet information that he had requested. The Lieutenant then explained the reductions, which were several around the fleet, i.e., two-wheel motorcycles, Honda motorcycles, fuel, unmarked vehicles, marked vehicles and vehicle maintenance which basically covered the entire spectrum that the Department budgets for. He then went over them in the order in which the Chief has prioritized them.

After further discussion regarding Academy classes, cost anticipated for those to be hired and the cost of uniforms and uniform shoes, Commissioner Giraudo inquired about and learned that this budget is actually due to be in the Mayor's Office today. The matter proceeded with the public commenting.

Mr. Frank Campo of Local 790 commented and said he wanted to bring to the Commission's attention the matter of Parking Control Officer John Bellos who was on a three-wheel motorcycle late last year and there was a malfunction with the vehicle and as a result he suffered a head injury which put him out of work. He said he brought this up because when public employees don't have proper equipment it results in injuries that they and they alone sustain and this, he said, is often overlooked in the budgetary process.

He also commented on the additional positions for the Stable Attendants and he wanted to point out that these are the same Stable Attendants that have been on the job all along and that during the last year budget crunch these positions had been struck out by people who had no conception about the duties and had never spoken to anyone at the Stables. He said these people are hard working and he would invite the Commissioners to go down and see how necessary their jobs are and see just how hard those individuals are working. So he would urge that the Commission adopt those three additional positions.

Ms. Jean Preestone, homeowner and resident in the Oceanview District, said they have a terrible problem with Crack Dealers along Randolph Street. She said increased radio patrol helps to keep the level down somewhat but the consensus in the neighborhood is that increased foot patrol is what is needed. She said they have seen the amazing results of foot patrols recently in the initiation of the PAL Program in Oceanview Park. She said she was here to urge the increase of patrols along the Randolph Corridor including the use of foot patrols to eliminate the Crack Trade in their neighborhood. She said in supporting this position she has made a copy of the Atlanta Monthly from February of this year which she will distribute to the Commission. She then read the contents of the article to the Commissioners. She said she felt this was an important article for the Commissioners' consideration.

Mr. Vincent Reyes, Senior Escort Program, said he had no further comment except to confirm Lt. Robinson's work in coming up with various configurations of the Senior Escort Budget with a 5%

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or 10% decrease. He said he also just wanted to remind the Commissioners that the reorganization plan that the Commission approved last December, hopefully, will create even more substantial savings for the Escort Programs and eventually the Police Department on the whole.

Mr. John Crew, ACLU, said he just wanted to make a brief observation in terms of what this budget means for efforts to integrate this Department. He said it is his understanding that the word has come down that there will be only two Academy Classes. He said a couple of weeks ago the Auditor Monitor of the Consent Decree in Federal Court recommended that there be three Academy Classes and that the percentages of hires be 80% minorities and 50% women. He said he understands that that is a controversial recommendation but we are 10 years after the Consent Decree was signed and we have a Department that is nearly 3 out of 4 officers white male and only one out of 10 is a woman. He said if we are going to get to the point in this city that our Police Department reflects both on racial and gender lines of our populous, then we are going to have to pick up the pace. He said at this pace he thinks we are looking at the 21st Century.

Commissioner Giraudo said the budgetary process is looking at policy priorities and that he suspects that what Mr. Crew has just said tonight is being said at any number of meetings everywhere all week long before many many Commissions about priorities that need to be set. He said he, for one, is pleased that we have two Academy Classes scheduled to commence, one in July and the other in November.

A motion was then made by Commissioner Medina to accept the Budget with the caveat that Lieutenant Robinson return to the Commission with a report on Fleet, i.e., vehicle unmarked car replacement and formula for that process and the cost of replacement of uniform shoes. Commissioner Lee seconded and it was unanimously approved.

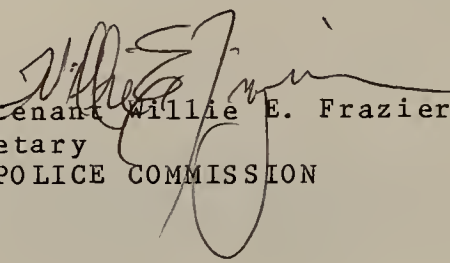
RESOLUTION NO. 224-89

OPERATING BUDGET FOR FISCAL YEAR 1989-1990 - SAN FRANCISCO POLICE DEPARTMENT

RESOLVED, that the Police Commission hereby approves the attached operating budget of the San Francisco Police Department for Fiscal Year 1989-1990.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

The meeting was adjourned thereafter at 8:20 p.m.


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

3 Minutes
FEBRUARY 22, 1989

CLOSED SESSION

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The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Wednesday, February 22, 1989 at 1700 hours in Closed Session.

Commissioner Giraudo presiding.

DOCUMENTS DEPT.

1. Attorney-Client Conference
2. Personnel Matter

JUN 6 1989

SAN FRANCISCO
PUBLIC LIBRARY

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

FEBRUARY 22, 1989

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, February 22, 1989 at 1730 hours in a Regular Meeting.

Commissioner Giraudo presiding.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

APPROVAL OF MINUTES OF MEETING OF NOVEMBER 16, 1988

Approval of Minutes of Meeting of November 16, 1988, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 264-89

CHIGO CHEUNG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Chigo Cheung in the sum of \$2,650.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 17, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 265-89

CITY TOW (GEORGE LOHI)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (George Lohi) in the sum of \$250.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 24, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 266-89

PETER JAMES PETRUCCI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Peter James Petrucci in the sum of \$225.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 12, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 267-89

O. JOSEPH CALABRESE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of O. Joseph Calabrese in the sum of \$215.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 16, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 268-89

CITY TOW (EMMETT BAKER)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Emmett Baker) in the sum of \$205.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 27, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 269-89

CITY TOW (IMOHIMI E. OHIMAI)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Imohimi E. Ohimai) in the sum of \$205.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 2, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 270-89

CITY TOW (CHARLES WEST)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Charles West) in the sum of \$205.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 19, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 271-89

CITY TOW (MICHAEL B. TOMS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Michael B. Toms) in the sum of \$205.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 6, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 272-89

CITY TOW (ROGER REEKIE)

RESOLVED, that the recommendation of the City Attorney for the settlement of the claim of the City Tow (Roger Reekie) in the sum of \$205.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 4, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 273-89

CITY TOW (KEVIN OLIVER)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Kevin Oliver) in the sum of \$205.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 16, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 274-89

CITY TOW (JOHN MOLINARO)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (John Molinaro) in the sum of \$195.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 31, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 275-89

CITY TOW (ABDELOUAHAD BELALI)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City tow (Abdelouahad Belali) in the sum of \$195.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 11, 1987
through July 19, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 276-89

CITY TOW (LAWRENCE A. WILBURN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Lawrence A. Wilburn) in the sum of \$195.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 3, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 277-89

ALBERT JOU

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Albert Jou in the sum of \$190.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 27, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 278-89

CITY TOW (GLENN BADGLEY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Glenn Badgley) in the sum of \$150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 10, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 279-89

CITY TOW (M. PENA)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (M. Pena) in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 14, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 280-89

CHENG HUNG HUI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Cheng Hung Hui in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 6, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 281-89

ROBERT J. HARTNETT, JR.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert J. Hartnett, Jr. in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 25, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 282-89

FRANCIS M. DIGGINS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Francis M. Diggins in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 17, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 283-89

DIERDRE L. JOHNSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dierdre L. Johnson in the sum of \$99.01 as a result of a damages sustained, be, and the same is hereby approved.

Date of Incident: October 29, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 284-89

MICHAEL BARRETT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael Barrett in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 1, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 285-89

CARLOS K. CARVAJAL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Carlos K. Carvajal in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 18, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

Commissioner Giraudo said he could support Commissioner Nelder's motion if he would extend his motion of Termination in abeyance for an additional year from this date, otherwise it would be meaningless.

Commissioner Nelder said he would agree to that and would amend his motion to read that the Termination be held in abeyance for an additional period of time to last to a year from this particular date. Commissioner Medina said he would second the motion and it was unanimously approved.

HEARING ON COMPLAINT FOR REVOCATION OF TAXICAB
PERMIT #447 HELD BY ALBERT VELLA

WHEREAS, the hearing on the request of the Chief of Police on complaint for revocation of Taxicab Permit #447 issued to Albert Vella was called, it having been set for this date; and

WHEREAS, Mr. Albert Vella appeared in person with his driver, Mr. Andre, and was not represented by counsel; and

WHEREAS, Officer Linda Flanders represented the San Francisco Police Department and presented the following reason why Mr. Vella's taxi permit should be revoked:

MPC Section 1080.1: No proof of valid insurance on file for the period February 2, 1989 to February 10, 1989, and

WHEREAS, the Commission took the matter under submission, after which the following resolution was adopted:

RESOLUTION NO. 259-89

DECISION

WHEREAS, during the Commission's deliberations it was concluded that there was an error in the submission of documents by Mr. Vella and his insurance broker; therefore be it

RESOLVED, that it is the findings and decision of the Commission that Taxicab Permit #447 held by Mr. Albert Vella not be revoked, but because a similar violation occurred the previous year where his permit was revoked but said revocation

was held in abeyance for one year, revocation of Mr. Vella's permit #447 shall again be held in abeyance for one year from this date provided he complies with all provisions of the Chief's Taxicab Rules and Regulation and all applicable Municipal Police Code Sections.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 260-89

REQUEST OF THE CHIEF FOR APPROVAL OF ISSUANCE OF A
TAXICAB MEDALLION PERMIT TO ALFRED M. LeCLAIR

WHEREAS, the San Francisco Police Commission conducted hearings from November 1986 through February 18, 1988 regarding the current levels of taxicab service in the City and County of San

Francisco, and the requirements of public convenience and necessity therefor; and,

WHEREAS, based upon the entire record of the hearings on public convenience and necessity and on the individual applications, the Police Commission finds that the number of taxicab permits set in 1984 at 761 shall now be 811 as per Resolution No. 1201-87; and

WHEREAS, Alfred M. LeClair appeared at a Public Convenience and Necessity hearing held on Wednesday, February 22, 1989; and

WHEREAS, the Commission determined at a Public Convenience and Necessity hearing on Wednesday, February 22, 1989, based on the records received at that hearing, that clear and convincing evidence supported a finding that public convenience and necessity required the operation of 811 taxi motor vehicle for hire permits; therefore be it

RESOLVED, that Alfred M. LeClair appearing before the Commission is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Alfred M. LeClair.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 261-89

REQUEST OF THE CHIEF FOR APPROVAL OF ISSUANCE OF A TAXICAB MEDALLION PERMIT TO CLEMENT V. ANGELI

WHEREAS, the date for the hearing on the request of the Chief of Police for approval of issuance of a Taxicab Medallion Permit to Mr. Clement V. Angeli was called, it having been scheduled for this date; and

WHEREAS, because of newly acquired information possibly detrimental to Mr. Angeli's background, the Permit Section has requested additional time to investigate the matter; therefore be it

RESOLVED, that the date for the hearing on the issuance of a Taxicab Permit to Mr. Clement V. Angeli is continued to Wednesday, March 8, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 262-89

SETTING OF DATE FOR HEARING OF POLICE OFFICER MANUEL F. ROBLETO, POTRERO STATION

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer Manuel F. Robleto, Potrero Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law for the San Francisco Police Department, that the date for the hearing of

RESOLUTION NO. 286-89

GREGORY P. DUTIL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gregory P. Dutil in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 17, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 287-89

MIKKEL AALAND

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mikkel Aaland in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 6, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

POLICE COMMISSION REPORT

Commissioner Giraudo said the Commission met this evening in an Executive Session on two matters, one was an Attorney Client Conference relating to a claim against the city, an auto collision and the other was a Personnel Matter regarding the evaluation of a member and there were no votes taken. He said he recognizes that there are a number of people here tonight wanting to speak to the issue of the City Attorney's Opinion relating to the Police Commission's powers where the Chief has declined to file a disciplinary complaint with the Police Commission. He said he would ask that those who are here intending to speak to that matter that they do so when that matter is called rather than speaking under public comments which follows this item we are now currently on. He said the Commission is most anxious to hear what speakers have to say about the City Attorney's Opinion but is not asking or seeking an opinion with respect to the actual incident itself that brought rise to the complaint that was filed with the OCC and became the matter for the issue for the City Attorney was asked to opine on. He said the Commission will hear those public comments this evening and will return next week and the Commission will then publicly discuss the issue and the City Attorney's Opinion and that point and time the Chair will entertain motions from the Commissioners after the discussion amongst the Commissioners with respect to which of these options proposed by the City Attorney that the Commission will choose. He said once that choice is made then the Commission will act in whatever fashion, hopefully, expeditiously with respect to whatever choice is made. He said he wanted to make sure that everyone understood that and he would ask for the sense of orderliness that is needed this evening, that they restrict their remarks under item no. 8 to the City Attorney's Opinion, and for those who have read it, understand fully that the Commission must

guard against prejudicing itself in any form shape or manner. So, he said, the Commission will not be seeking or wanting to hear testimony tonight about the incident itself.

(a) PUBLIC COMMENTS

No public comments request to be made at this time.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan said he had no additional comments but he may have some comments on item no. 8 after it is over.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Langer, OCC Director, said they had nothing to report to the Commission tonight. Commissioner Giraudo said Mr. Langer had brought to the Commission the evaluation on the computer needs of the OCC this evening and he has asked Lieutenant Frazier to have that sent to all the Commissioners. He said there was a question that was raised last week when Mr. Langer presented his budget and the Commission asked a question with respect to the computer and the cost of the computer and the building of the OCC computerization process.

PUBLIC DISCUSSION ON CITY ATTORNEY'S OPINION
RELATING TO POLICE COMMISSION POWERS WHERE THE CHIEF
HAS DECLINED TO FILE A DISCIPLINARY COMPLAINT WITH
THE POLICE COMMISSION

Mr. John Crew, ACLU, said that in the view of the American Civil Liberties Union, in spite of all of the controversy of what the Commission has before it tonight and next week, is in fact a very, very simple issue. He said the Commission has a policy on use of force which says "Officers should use the amount of force that is limited to the degree minimally necessary to accomplish a lawful police task." He said there has been two investigations of this question, not four (4) by the way; the Grand Jury looked at criminality, the FBI looked at Civil Rights Violations, so there have been two investigations. He said the Office of Citizen Complaints investigated and found that policy was violated. The Department, he said, investigated and the Chief indicated that that Department investigation and he disagreed with the OCC. He said so that is the simple conflict and it is a conflict that only this Commission can resolve. He said the City Attorney has indicated to the Commission now in their opinion, and in fact, their third opinion in the last 30 years with the same conclusion, that in fact the Commission has authority as long as it does not prejudge the case and violate the officers' rights. He said so the simple question is, 'will the Commission exercise this authority to make up its own mind about this case, and if so, what means will it use to come to that conclusion?' He said now that is the simple issue. He said now he would like to talk about what is not at issue here. He said at this stage the

Commission is not presented with the question of how much discipline the officer should get or even if the officer is guilty of misconduct. He said if the Commission tried to answer that question now the Commission would be prejudging the case and the City Attorney quite correctly points out that the Commission should not do that but by the same token the Commission needs to understand that if it chose not to exercise its authority to come to its own conclusion the Commission would also be prejudging the case. He said the Commission would be prejudging it against the OCC and prejudging it against the complainants. He said the only way not to prejudice is to come to its own conclusion based on a thorough review of the evidence. He said this issue is also not about whether or not the Commission will overrule the Chief, in fact the question is 'will the Commission allow the Chief, through its own inaction, to automatically overrule the OCC?' He said everyone has their role to play under the Charter, the OCC has played out theirs, the Chief has played out his and not it is before the Commission and if the Commission chooses to exercise its authority it will not in any fashion be diminishing the authority of the Chief it will just be doing its job. He said if the Commission doesn't act, however, it will do very serious damage to the credibility and function of the OCC. He said this isn't an unusual situation. He said the Commission has exercised this authority before. Just last June, he said the Commission passed a Resolution, a Policy, on violations of its General Order L-1, everytime the OCC sustains a complaint that an officer has not fully cooperated with the OCC, the Commission has said automatically those cases are to be brought before this Commission. He said there was no discussion at that time that somehow that was taking away authority from the Chief of the Department. Similarly the Chief, he said, has voluntarily brought cases to the Commission without taking a position on the guilt or innocence of the officer. There is, he said, a very highly publicized case the Commission still hasn't heard the trial on it yet where the Chief announced that he thought the Commission would be the appropriate forum. He said it was a sensitive allegation a high profile case and without saying we think this officer is guilty, the Chief said we think you are the appropriate body to decide that case. He said he certainly heard no discussion, at least in this forum, of anybody claiming that the Chief had shirked his responsibility in that situation. He said so everyone has a role to play here and all that they are asking is that the Commission play its role and draw its own conclusions about this case. He said he would also like to say that what we are faced with tonight is not re-opening this case. If it is phrased that way, he said, we would completely ignore that, in fact, the City Attorney has ruled that the case was never closed that the Commission is the body that has the final decision, and in fact, the ACLU and a number of other Community Groups had a hearing request last December placed before the Commission asking that the Commission vote to conduct a disciplinary hearing, the Commission chose to seek that City Attorney's Opinion and things have been on hold for two (2) months. So, he said, essentially they are back where they were before Christmas. He said the case has never been closed we are just at the next step. He said finally he must talk about how the Police Officers Association has characterized this case.

He said when they (ACLU) were last here discussing this issue, the current President of the POA read a lengthy statement on his position. He said he just wanted to quote from the closing statement: "Regardless of what the objective facts, truth and evidence show, Mr. Crew will not rest until the officer involved has been prejudged, pre-tried, convicted and terminated." He said it is the POA not the ACLU that is asking the Commission to prejudge this case. He said it is the POA that has threatened to sue the Commission to prevent the Commission from reviewing the objective facts, truth and evidence. He said the ACLU wants the Commission to draw its own conclusion. They, he said, want to give the Commission a process to take advantage of that process that exist and not prejudge it but draw its own conclusions and make the call between these two competing situations. They (POA), he said, characterize it as somehow that the Commission would be sitting as prosecutor and judge in conflicting roles if it was to take this case. He said and that again ignores three City Attorney's Opinions, to the contrary, and ignores it by voting to schedule a disciplinary hearing and directing the Chief to start that process, the Commission is not in any way taking a position on guilt or innocence but merely saying that it wants to make up its own mind. He said he would now speak quickly about the options the City Attorney presented the Commission. He said, basically, what is left to do here? There have been investigations already conducted. He said he did not think another investigation is going to reveal new evidence. He said we have competing conclusions. What is left for the Commission to do, he said, is to weigh the evidence and make its call in terms of whether or not the Commission to make that decision with the most respect for everyone's rights by not prejudging the case and in the most reliable fashion. He said there will be a full hearing of all of the testimony, there will be attorneys present to probe the evidence and that will enhance the reliability and the thoroughness of the Commission's review. He said so they strongly encourage the Commission to exercise that option. He said in terms of the other two options, at this stage he was not sure what purpose would be served by asking the Chief to explain, or asking the Chief to reconsider his decision. He said the Chief has exercised his right to disagree with the OCC and it is up to the Commission to decide between these competing conclusions. He said if the Commission does ask the Chief to explain, if they do give the Chief an opportunity essentially to argue his position, again the ACLU thinks that fundamental fairness demands that you give the same opportunity to the OCC and ask them to argue their position as well if the Commission chooses to that option. He said now we have seen greater support for the Office of Citizens Complaints recently. He said the current Mayor was among the earlier supporters going back to 1977 of creating an OCC. He said the Mayor was prominent in the campaigns not only in 1982 when Proposition A created the OCC but in 1987 when they lifted the Budget Cap. He said, in fact, last year the Mayor increased the budget of this agency. Mr. Crew said this Police Commission has worked hard, and in particular in the last, to improve this agency and last week the Commission approved a broad Community Outreach Program, but he said, all of that support will be for naught unless the Commission backup OCC in this situation. He said when he says backup he was not saying that the Commission should necessarily jump to conclusions and agree that the

OCC is right but the Commission shouldn't jump to conclusions on the other side by not exercising its authority and assume that they are wrong. He said what it comes down to is that there is only one way for the Commission to not to jump to conclusions and that is to make up its own mind. He said if you have a watch dog and the watch dog barks you don't go off and start shooting at shadows in the dark and he is not suggesting that the Commission do that but on the other hand he said you don't roll over in bed and go back to sleep. He said why have a watch dog to begin with? You get up out of bed with a flashlight and check it out, you find out if there is really a problem there and in essence that is what they are asking the Commission to do. He said the Commission has the authority to decide and they think it is in this whole process for the Commission to exercise its authority.

Mr. Robert Barry, SFPOA, said they were here to address the conclusions arrived at in the City Attorney's Opinion of February 14th. He said with respect to the conclusion on question no. 1 in the Opinion, the SFPOA concurs wholeheartedly that the Chief of Police is the only individual in the City and County of San Francisco that is impowered to bring charges to the Police Commission based upon evidence of facts that he has reviewed in the investigation whether it comes from OCC or from Management Control or from any other investigatory body. He said the history goes back an awful long time and their attorney is here tonight to talk to the Commission about the law and the precedent that has been set for scores of years at this level of the Police Commission. He said he did not think there is any precedent to the contrary that allows the Police Commission to order the Chief of Police to bring charges without having any of the facts present which are necessary in the SFPOA's opinion to sign a verified complaint bringing charges to this body. He said when the Chief signs that verified complaint he is in fact stating under penalty of perjury that he has read the material, that there is sufficient facts in there to justify bringing charges before the Commission for a fair and impartial hearing. He said for the Commission to accept the option No. 4 in question No. 2 and that is the City Attorney's Opinion states that the Commission may direct the Chief of Police to file charges. He said it is their opinion (SFPOA) that if the Commission takes that particular action and orders the Chief to do something that he has already concluded after exhaustive review, not only by the District Attorney's Office Investigation but by Management Control and the OCC Investigation combined, then the Commission in effect would be ordering the Chief to file a complaint perjuring himself, that the charges being brought to the Commission are not supported by the facts and the SFPOA don't think that the Commission can order that and sit as a Trier of Fact and judge fairly whether or not the officer in question is guilty or innocent of the charges. He said Mr. Crew indicated earlier that the Chief exercised his right under the Charter to disagree with the OCC and the SFPOA concur with that and he did it based on the facts before him. Mr. Barry said the Charter is clear that the OCC may conduct investigations and make recommendations to the Chief of Police and the Chief has to sort through those facts. He said the Chief on many occasions has felt that the OCC was justified in recommending charges against an officer and the Chief has filed those Verified Complaints. He said, finally, the SFPOA does not think the Chief is

overruling the OCC and that is because they (OCC) can only make recommendations. The SFPOA disagrees with the City Attorney's Opinions that were issued in 1956, they are not conclusive, some of those questions never got resolved, and the City Attorney has yet to provide the backup documentation to any of the attorneys involved citing the basis for making that conclusion, that there are two (2) City Attorney Opinions that basically support their position. He said the SFPOA thinks that by doing so, the Police Commission will forever politicize the Disciplinary Process in this Police Department. He said the SFPOA may disagree with some of the findings of the Commission with respect to charges that are brought against some of the officers that the SFPOA represents but for the Commission to randomly select charges based upon public pressure or high visibility in the electronic or print media just to order the Chief based upon that kind of evidence to bring charges against an officer would be disservice to the officer, in terms of due process, and to the Office of the Police Commission and to the Citizens of San Francisco. He said he would ask that the Police Commission seriously consider rejecting the City Attorney's conclusion continue the process of Due Process as it has over the past three (3) or four (4) decades and he did not feel that we will wind up politicizing disciplinary cases in the future.

Mr. John Wahl, Stonewall Gay Democratic Club said they and the entire Gay, Lesbian and Bi-sexual Community has a vital interest in the upholding of the Office of Citizens Complaints Process. He said he would ask the Commission to do what it knows is right and if Commissioners have to resign because of it then they have a much better badge of honor than continuing in that job.

Mr. Chris Burdick, Attorney for the SFPOA, followed up on several of the points that Mr. Barry made. He said they agree with the City Attorney's conclusion in that the only way that this Commission is going to be able to hold a disciplinary hearing involving charges against Police Officer Francis Achim is by a verified complaint filed by the Chief of Police. He said if he understood Mr. Crew's remarks made earlier that is what he is demanding. He said Mr. Crew is not demanding that the Commission investigate the incident in front of the St. Francis Hotel, he is not asking that the Commission look into crowd control policy and procedures, he is demanding that this Commission hold disciplinary hearings for the purpose of determining whether or not Officer Achim should be disciplined. The City Attorney, he said, has advised the Commission, and they, SFPOA, agree that the only way the Commission can hold a disciplinary hearing is upon the filing of a verified complaint by the Chief of Police. He said, "and of course the Chief as of this date has declined to do so." He said the City Attorney has advised the Commission once in writing and once again in a subsequent meeting orally of his declination and the reasons therefore. Mr. Burdick said that assuming that the City Attorney remains firm in that resolve, and this Commission wants to hear the matter the Commission finds itself look at one of the four (4) options which the City Attorney outlined in regard to question 2. After Mr. Burdick went through those options he said Mr. Barry in his remarks to the Commission was as candid as he could be in that if the Commission proceeded on its motion to charge and hear disciplinary charges against Officer Achim,

which the City Attorney has told it, it cannot do, or if the Commission issues a direct order to an unwilling and reluctant Chief that he file charges and the Chief under that kind of suasion does so, they believe that that would be an act in excess of this Commission's Jurisdiction and they would have to do something about it.

Ms. Bobbie Stein, National Lawyers Guild, said the NLG urges the Commission to order the Chief to file a complaint so that the Commission can consider the evidence and draw its own conclusions. She said this is an important case for a number of reasons. First, she said, as the matter stands there are two different conclusions. She said the OCC has conducted a full investigation into the matter and found that Officer Achim used excessive force. She said the SFPD on the other hand conducted its own limited internal investigations and found that Officer Achim used proper and accepted techniques.

At this point Commissioner Giraudo interrupted and said that he would like to ask a question in that he read that in the newspaper and Mr. Wahl also said it this evening. He said personally he had not seen Management Control's Investigation nor had he seen the OCC's Investigation but he did not understand why she called the Management Control's Investigation limited or not as broad in scope and he wanted to know if she had read it?

Ms. Stein said the statement was made because MCD did not have access to the number of witnesses that came forward to the OCC and the MCD's was an internal investigation. She said so she believes that it was a more limited investigation. She said the Commission should exercise its authority and hold a disciplinary hearing in order to answer the question of excessive force by Officer Achim. She said the Commission has a duty to manage the police department and should play a role in resolving questions of whether or not departmental policies have been violated. She said the Commission can only draw those conclusions after a full disciplinary hearing.

Keith McHenry, Food not Bombs, said the crime that was committed against Dolores Huerta is only one of hundreds of crimes committed everyday by the SFPD and they go unpunished day in and day out. He said if the OCC cannot control the police and the Police Commission cannot control the police and the Mayor cannot control the police then the citizens are going to have to set up their own non-violent militia to control the police against harming and stealing from the citizens they theoretically are supposed to be protecting.

Mr. Kim Malcheski, Attorney for Monique Doryland, said that on September 14, 1988, his client and Dolores Huerta were injured at the anti-Bush Demonstration outside the St. Francis Hotel. He said on September 16, Ms. Doryland was arrested by members of the Tactical Squad. He said on October 4, 1988, after criminal charges were dropped against her by the District Attorney's Office he filed a complaint on her behalf with the OCC. He said on November 10, 1988 the OCC found that Officer Achim used excessive force against Ms. Doryland, Ms. Huerta and another individual, Ms. Himes. He said, and on December 14, 1988, the Chief made a report to this Commission stating that he disagreed with the OCC's findings. He said finally on February 14, 1989, the City Attorney issued its

opinion and outlined four (4) options which the Police Commission has in this matter. He said in their opinion the first three (3) options are not feasible. After explaining the reasons for the first three (3) options being unfeasible he said the only viable option for the Commission is the fourth and that is that the Police Commission should order the Chief to file a verified complaint with the Commission thereby giving it the authority to hold a disciplinary hearing. He said the OCC's job is to make an investigation and in this case they conducted that investigation, they sustained the complaints and those complaints are now before the Commission. He said it is in their opinion that the Commission as a Manager of the Department and in effect the Supervisor of the Chief that the Commission has the power to order the Chief to file a complaint and if the Commission does not do so then the Commission is being rendered to being nothing but a rubber stamp to the Chief and in effect are completely undermining the independence of the OCC and at this point and time the public confidence in the OCC is at a very low level.

Ms. Diana Lyons, Attorney for Dolores Huerta, said with respect to the City Attorney's Opinion her initial reaction is that it took an incredibly long time to do something that she could not in her greatest mood of generality interpret as competent legal analysis to support the conclusion that there is a question about the Police Commission having the authority to, in fact, exercise its Charter Power and Duty to Manage, Organize and Re-Organize the Police Department. She said the buck, shall we say stops here. She said she agreed with the City Attorney's conclusion that the Commission has the authority to direct the Chief of Police to file a verified complaint and the Commission has the responsibility to the duty under the Charter to hear the evidence and make its determination because the buck does stop here.

Ms. Diana Bullock, said the following organizations have gone on record asking the Police Commission to vote to hold a disciplinary hearing in this case. She said they again urge the Commission to use its authority to draw its own conclusions after a thorough hearing reviewing all of the evidence. She then named the Organizations: United Farm Workers, American Civil Liberties Union, The National Lawyers Guild, Community United Against Violence, Committee in Solidarity with the People of El Salvador, The Pledge of Resistance, SF Sanctuary Covenant, Central America Refugee Committee, Western States Legal Foundation, Abalone Alliance, Greenpeace, SF Women's International League for Peace and Freedom, Christic Institute of the Bay Area, Media Alliance Central America Committee, Stonewall Gay Democratic Club, Alice B. Toklas Lesbian and Gay Democratic Club, Harvey Milk Lesbian and Gay Democratic Club, Chinese for Affirmative Action, National Organization for Women SF, Rainbow Coalition of San Francisco, SF NAACP, Mexican American Legal Defense and Education Fund, Mexican American Political Association, Latino Caucus of San Francisco, American GI Forum of SF, International Indian Treaty Council, Chicano Moratorium Coalition, National Chicano Human Rights Council, Women of all Red Nations, Chinese Progressive Association, Lesbian Gay Labor Alliance, Asian American Federation of Union Members, Coalition of Labor Union Women, and Food not Bombs.

Linda Post, Past Chair of the San Francisco Democratic Party and the Past Chair of the National Women's Political Caucus. She said the only reason she gave those titles to the Commission is to let the Commission understand and to know that she is here as an individual citizen and to say she stands behind the City Attorney's Opinion and it is up to the Commission to help citizens like herself to understand why this is all happening and what is right.

Jean Harris, President of the Board of CUAV, she said she was not here representing Supervisor Harry Britt but she just wanted to remind the Commission that the Supervisor presented before the Board the creation of the OCC and that it is a very usable tool for the citizens of San Francisco. She said she was here to encourage the Commission to hold a disciplinary hearing for the reason being that the Commission has two (2) different opinions here, one from the OCC and one from the Chief of the Police Department. She said she would just encourage the Commission to take on the responsibility to open up these hearings, let the police department have their full day in court, let the citizens have their full day in court and she said she feels like the citizens of this city and county trust the Commission's judgement and will trust the Commission's process to hear this case. And, she said, that is why she was encouraging them to do that.

Chief of Police Frank Jordan said that as a final comment he would like to make one statement and that is that he has carefully listened to all of the speakers and he fully understood the cross-current of opinion that is presented here tonight. He said in his position as Chief of Police he has thoroughly reviewed the OCC's findings, their recommendation and their entire investigation and he has done exactly the same with the Management Control's findings, recommendations and all of the information they have fully developed. He said he has also reviewed the Criminal Grand Jury's summary of their findings and he personally felt that he has a clear picture of what constitutes a verifiable sustained complaint that should come before this Police Commission. He said he does not take this issue lightly or the public comments lightly as they are very important to this whole free flow of information and open access to the SFPD. However, he said, based on all that he has heard and read and evaluated, and yet agonized over, he remains firm in his resolve to stand his ground, that he feels it is important, that he has no compunction whatsoever, a feeling of being very much at ease to tell the Commission why he arrived at the conclusions that he arrived at, and he feels very competent in the fact that his conclusions are accurate and he feels that he has no problem in explaining them to this Commission in this format or whatever grounds the Commission chooses as appropriate.

Commissioner Giraudo said that as he had announced earlier, the Commission will take this week to consider the opinions that have been voiced by various members of the public and community groups and the Commission will discuss next week, openly and in public the Commission's personal views and will arrive at a decision publicly as to what direction it will go in, so that the Citizens in San Francisco in response to the request that it be open and public, will hear the discussion of this Commission in an open forum. He said they will not

be seeking any further testimony next week from anyone with respect to the matter. He said the Commissioners may have questions for them, may have questions for the City Attorney's Office, the ACLU, the NLG, and others that have expressed opinions in writing to the Commission. He said they may also have questions for the OCC and the Police Department without delving into the actual issue or the actual incident or series of incidents that occurred so that the Commissioners can safeguard against any prejudicing of this Commission. He said, so next week, the Commission will take the matter up on that basis. He also said the Commission will not make a political decision and will not discuss this case during the course of the week, as a group, and will not be seeking the advise of politicians who appointed the Commissioners, or who may have had something to do with their appointments. He said they will look to the Opinions that they have received and they will look inwardly to their own consciences.

REQUEST OF THE CHIEF OF POLICE FOR A HEARING ON
COMPLAINT FOR REVOCATION OF TAXICAB PERMIT T-0662
HELD BY GEORGE F. STEINBERG

Officer Linda Flanders, Permit Section, said according to records Mr. Steinberg passed away in December 1980, and it has just come to the attention of the Permit Section. She said as soon as it was brought to their attention she searched the files and it was clear that some of the documents had been altered, fraudulently altered. She said they then conducted an investigation, jointly, with the District Attorney's Office, for possible criminal prosecution but because of the time lapse the District Attorney determined that there was not enough evidence to proceed. She said specifically what happened was that Mrs. Steinberg, the widow, signed each year for the renewal of the Medallion. She said for a couple of years in 1983 and 84 somebody actually whited out Mrs. Steinberg's first initial and placed Mr. Steinberg's in its place and why it wasn't caught, she did not know. Officer Flanders said when they interviewed Mrs. Steinberg she said she thought she was entitled to her husband's medallion as it was held in joint tenancy. Officer Flanders said she also went to yellow cab and interviewed Mr. Jimmy Steele, President, and he said the same thing that it was also his understanding. She said any way it is looked at it is a very unhappy story as she had to go out and take the Medallion away from a widow who's only source of income was from this Medallion and on the other hand someone, nine years ago, did not receive a Medallion. She said they, the Permit Section, have now proceeded to make sure that this type of thing does not happen again. She said for this year they are requiring everyone to come in, in person and sign a sworn statement in front of a police officer and also to be fingerprinted so that the permit section will have a base line to start with and then from here on in if there is a question they will have something to go back on.

Commissioner Nelder said he would move to revoke, Commissioner Orr seconded and it was unanimously approved.

RESOLUTION NO. 258-89

HEARING ON COMPLAINT FOR REVOCATION OF TAXICAB
PERMIT T-0662 HELD BY GEORGE F. STEINBERG

WHEREAS, the hearing on the request of the Chief of Police on complaint for revocation of Taxicab Permit T-0662 issued to George F. Steinberg was called, it having been set for this date; and

WHEREAS, the death of Mr. Steinberg has been verified by the Permit Section; and

WHEREAS, pursuant to San Francisco Charter Appendix F, Section 1(a), the permit reverts to the City and County of San Francisco upon death of a permit holder; therefore be it

RESOLVED, that it is the findings and decision of the Commission, based on the evidence presented, to revoke Taxicab Permit T-0662 issued to George F. Steinberg.

AYES: Commissioners Giraudo, Lee, Medina, Nelder
Orr-Smith

REQUEST OF THE CHIEF OF POLICE FOR A HEARING ON
COMPLAINT FOR REVOCATION OF TAXICAB PERMIT #446 HELD
BY ALBERT VELLA

Officer Flanders advised the Commissioners that last year she had come to the Commission regarding a complaint against Mr. Vella for failure to keep up his insurance on his taxicab, its unavailability, and non-listing of his vehicle with the yellow pages and now she was back before the Commission with him on the very same things. She said also for not bringing the vehicle in for inspection when he was ordered to do so by the Taxicab Detail. She then went through the particulars of the insurance problem Mr. Vella was having with the carrier and pointed out that the vehicle was factually uninsured from the second of February to the tenth of February and on that date insurance was once again obtained by Mr. Vella. Mr. Vella came forth and stated that as far as he knew it was all paper work and has been nothing but a run around for him between his broker, the finance company, and his insurance carrier. He said he paid his money and they kept sending it back and forth and it was no intention on his part not to pay his bills.

After questioning by the Commission, Officer Flanders said last year the Commission actually terminated Mr. Vella's permit but held it in abeyance for one year provided that Mr. Vella abide by all of the rules and regulations and he was also, at that time, suspended from operation of his taxi for thirty (30) days.

Thereafter, Commissioner Nelder was advised by Officer Flanders that Mr. Vella's permit was terminated but being held in abeyance until July 1st of this year and upon receipt of that information Commissioner Nelder said he would make a motion that the Termination Date of Mr. Vella's Permit be held in full force and effect and that it would be Mr. Vella's responsibility to obtain the proper papers and submit them to the Permit Division within the next ten (10) days.

disciplinary charges filed against Officer Manuel F. Robleto be set for May 10, 1989; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Officer Manuel F. Robleto is set for Wednesday, May 10, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 256-89

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER WILLIAM S. TAYLOR, PERSONNEL DIVISION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer William S. Taylor, Personnel Division, as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of hearing of the disciplinary charges filed against Police Officer William S. Taylor, Personnel Division, is scheduled for Wednesday, March 1, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 257-89

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER JOSEPH C. KIRLEY, TRAFFIC ENFORCEMENT AND INVESTIGATIONS

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Joseph C. Kirley, Traffic Enforcement and Investigations as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of hearing of the disciplinary charges filed against Police Officer Joseph C. Kirley, Traffic Enforcement and Investigations, is scheduled for Wednesday, March 1, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

HEARING OF DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER JUDITH C. TWINE, INGLESIDE STATION

Continued to one week.

RESOLUTION NO. 263-89

HEARING ON APPLICATION OF RICHARD MIRON FOR THE POSITION OF PATROL SPECIAL OFFICER


WHEREAS, the date for the hearing on the application of Richard Miron for the position of Patrol Special Officer was called, it having been scheduled for this date; and

WHEREAS, Mr. Miron felt he needed more time to show evidence of his attendance in courses necessary for the required POST certification; therefore be it

RESOLVED, that the date for the hearing on the application of Richard Miron for the position of Patrol Special Officer is continued to Wednesday, March 22, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

The meeting, thereafter, was adjourned at 7:35 PM.


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

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MARCH 1, 1989

CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, March 1, 1989, at 1700 hours in Closed Session.

Commissioner Giraudo presiding.

1. Attorney-Client Conference

AYES: Commissionrs Giraudo, Lee, Medina, Nelder, Orr-Smith

MARCH 1, 1989

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, March 1, 1989, at 1730 hours in a Regular Meeting.

Commissioner Giraudo presiding.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

APPROVAL OF MINUTES OF SPECIAL MEETINGS OF NOVEMBER 22 AND 28, 1988

Approval of Minutes of Special Meetings of November 22 and 28, 1988, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 295-89

WILBERT BATISTE vs. CITY AND COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Wilbert Batiste in the sum of \$100,000 plus 10% interest from February 21, 1989 to date of payment, in Court of Appeal No. A036107, and Superior Court No. 800-582 entitled "Wilbert Batiste vs. City and County of San Francisco, a municipal corporation, Manuel Robleto, James Augusta, Cornelius P. Murphy, et al" as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 29, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

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RESOLUTION NO. 296-89

ELIZABETH MARTINEZ, et al vs. CITY AND COUNTY OF SAN FRANCISCO; LAWRENCE ENGEL, et al vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Elizabeth Martinez, et al vs. City and County of San Francisco, et al in U.S. District Court No. C87-5169 and Lawrence Engel, et al vs. City and County of San Francisco, et al in U.S. District Court No. C87-5167 in the total amount of \$40,000 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 12, 1986

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 297-89

EDWARD T. GREEN vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Edward Green in the sum of \$750.00 in U.S. District Court No. C88-3150 FMS entitled "Edward T. Green vs. City and County of San Francisco, et al" as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 3, 1987

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 298-89

JOFFRE CHEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joffre Chen in the sum of \$475.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 12, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 299-89

JORGE L. ALFARO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jorge L. Alfaro in the sum of \$465.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 23, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 300-89

ROBERT J. BOCKELMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert J. Bockelman in the sum of \$175.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 4, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

POLICE COMMISSION REPORT

Commissioner Giraudo said the Commission met with the City Attorney this evening on litigation matters and no vote was taken. He said he also wanted to say that the Commission is having its first Police Commission Community Meeting occurring next Monday evening March 6th and he was asking that the Chief of Police be prepared to make a brief statement of introduction of himself and of the Department and with respect to things that would be pertinent to that particular area. He said there will also be a request to have members of the Gang Task Force and Community Relations Officers present and he would ask that the OCC Director, Mr. Michael Langer, be present also and address the Community that evening with respect to the function of the OCC and the processes of the OCC. He said another matter is that the Commission is going to be discussing this evening, under item #8, the City Attorney's Opinion relating to the Police Commission's Powers where the Chief of Police has declined to file a disciplinary complaint. He said the Commission has received, during the course of a week, written further opinion from the SFPOA and the ACLU and all of the Commissioners have read those opinions, and as he had stated last week, that last week was the time for the public to comment on the City Attorney's Opinion, and the Commission this evening will discuss that City Attorney's Opinion and hopefully at the end of discussion come to some kind of consensus as to what the next step will be. He said so he would ask that under Public Comments Section, this evening, that those present not attempt to address the City Attorney's Opinion or the Bush Demonstration as the Commission has held many, many hearings and has given full and ample opportunity for everybody with opinions to express those opinions.

(a) PUBLIC COMMENTS

No public comments at this time.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Frank Jordan said he had no additional matters tonight other than what is on the Police Commission Calendar.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Michael Langer, Director of the OCC, said he had two (2) items. He said, first, on November of

1988, they submitted a report to the Police Chief requesting that a follow-up be done on a complaint which they had sustained against an officer for the unfortunate incident that took place outside at the St. Francis Hotel. He said while he has a tremendous amount of respect for the Chief of Police, he and the Chief obviously have a difference of opinion in this matter, and he would just ask that the Police Commission hear this case and he respectfully request that that be done. He said the second item is that the Police Commission requested that the OCC report back on a complaint that they had received from a homeless person. He said during the course of the investigation two (2) additional witnesses have come up and they will be interviewed next week so he said he would ask for an additional two (2) weeks to report back to the Commission.

POLICE COMMISSION DISCUSSION ON CITY ATTORNEY'S
OPINION RELATING TO POLICE COMMISSION POWERS WHERE
THE CHIEF HAS DECLINED TO FILE A DISCIPLINARY
COMPLAINT WITH THE POLICE COMMISSION

Commissioner Giraudo: "I have personally read all of the opinions that have been submitted and I have listened to any number of people who have called my office with opinions that were both couched as legal opinions and, I think, in some instances political opinions. And I, in particular, have searched my mind both having practiced law for fifteen (15) years and also having been a Police Commissioner for three (3) years and also as a citizen of City and County of San Francisco. And I take very seriously the duty and the obligation that is placed upon us as Commissioners and I also recognize that what we do is not always going to please everybody and more often than not it pleases half the people in the room and displeases half the other people in the room and that always makes it not such a pleasant but more often an unpleasant experience. Nevertheless, we are here to provide some kind of public accountability with respect to what the Police Department does or doesn't do as a Para-Military Organization. I have personally worked with Chief Jordan for three (3) years and I have found him to be a man of great integrity and I have found him to be progressive Police Chief and I also happen to think that he is perhaps, if not the best, one of the best Chiefs of Police this city has ever had. And, I think, that is in view of all perspectives. Whether you are quote, unquote, a liberal or whether you are quote, unquote, a conservative or whether you have a particular personal agenda, I think that this Chief of Police has functioned with an open door policy, has not been clandestine and has actually dealt out more discipline in his three years, probably, than the two (2) Chiefs of Police combined in all of their years before him. I cannot make a political decision and I will not make a political decision, but I understand the need for public accountability, and I for one, don't know how the other Commissioners feel at this point and time but I, for one, am in favor of the option that the City Attorney described which is that of bringing the Chief of Police before the Commission in an Executive Session to probe his reasoning for why he did what he did and in addition to that to bring in the Director of the OCC and his Investigator and for them to tell us why they drew the conclusions that they drew so that we can, as a Commission, make an

intelligent and informed judgement with respect to the decision that the Chief of Police made. And the reason why I feel that we can do so in an Executive Session is because I think the Chief of Police has put his job on the line, and as such, I believe it to be a Personnel Matter, and we, the Police Commission, at last point and time, will be judging his performance as Chief of Police. But I believe that he as Chief of Police having served as well for some thirty (30) years in this city deserves the opportunity to explain to this Commission why he has taken the action or the inaction that he has done. So, that would be my position and that's what I would favor. And if the Commission were to agree with me subsequent to this conversation, I would propose, in the interest of time, that we hold two (2) special Executive Sessions between this meeting and next Wednesday night, and then at that time the Commission render a final decision, with respect to the request that has been made to us by certain segments of the Community with respect to his decision. And, I say again, that is one man's opinion, that is my opinion and that is not an opinion that has been put upon me by any political group or any politician. It is my belief that I, as a citizen, whether I be liberal, conservative or moderate, have come to grips with my personal interest with that of the whole community of San Francisco. And I intend to do what I think is right, both legally and morally, and that is why I would ask my fellow Commissioners to allow the Chief of Police that opportunity as well as the OCC. So, that is my opinion and I welcome the opinions of anybody else that wishes to speak."

Commissioner Orr: "Mr. President, at that time will we be able to question each Director or Department Head about the specifics with respect to their decision?"

Commissioner Giraudo: "My feeling would be that if we have, if such a motion would pass this evening, that we would have to ask the City Attorney, and I would ask that the City Attorney give us the Deputy City Attorney that they felt was most competent to guide us through the process during the course of those meetings, so that we do not unnecessarily, I think, was the word, unnecessarily prejudice ourselves in the event that the Commission makes the decision to overrule the Chief. And there is, in mind, a very serious legal question about what a verified complaint is or isn't. We had a long line of attorneys last week to tell us what a verified complaint was. I went to law school, I went back I took a look, I have gone back and read many of the cases that were cited in the various opinions that were submitted to us, and I dare say that being a lawyer and others being lawyers and when you are in the profession of advocacy, sometimes, we all read cases differently and I happen to think that if the Chief of Police believes in his mind that a verified complaint required, in this instance would require him to perjure himself, then it would be this Commission's job to fire this Chief of Police if it was our decision that, if it was our decision, as a Commission, that we wanted him to file such charges. And in so doing, we are then asking him to do something that I am not so sure we can legally ask him to do but nonetheless it is a decision that this Commission will have to make. So therefore it, to me, is a very, very serious matter and I know it is viewed differently by almost everybody in this

room. But nonetheless, again, we have our obligation and our duty so that, I think, answers your question. Go ahead if you have further comment, I am sorry."

Commissioner Orr: "Well, I think I support your view that we should hear from both Department Heads. I am very interested to have explanation from Mr. Langer about his findings. We have not heard from him prior to this day on the matter before us. We've heard the Chief's comments very passionately and I respect his decision and what he is doing. The City Attorney's decision about who can make or file a verified complaint, to me, seems very specific, only the Chief of Police can do that and I respect the Charter and the explanation of the City Attorney. I have very grave concerns about the option of ordering the Chief to make a decision at the direction of this Commission because in every complaint that's ever come before us, the wording I believe is, 'that he files this complaint with full knowledge and belief of its authenticity and under penalty of perjury', and I respect such an oath. So, I would not feel comfortable doing that and in fact I would not order the Chief to do such a thing. But I am interested in arriving at an equitable decision on behalf of the community that serves us all. The larger community as well. So, if it appropriate to submit a motion at this time, I would move that we hold that Executive Session to review the reasoning, rationale, of the OCC Director and the Chief of Police."

Commissioner Lee: "Second the motion."

Commissioner Giraudo: "Well, we have a motion and a second is there any discussion on that motion, I suspect that other Commissioners may want to express opinions."

Commissioner Medina: "I have a statement to make. And that is that I came prepared to make a motion tonight in difference to President Giraudo and other Commissioners even though we haven't voted on it I will stay my motion for a week and I would like to state what my position is so that we can be clear on the position and also keep it in mind over the week. 'Fellow Commissioners, as we are all well aware the City Attorney has provided us with four (4) options in regard to the matter before us. After much thought and having taking into consideration the significant testimony that was provided to this Commission by members of the public, the police department and other interested parties, I am prepared to move that this Commission order Police Chief Frank Jordan to file charges against Officer Francis Achim for use of unnecessary force in violation of General Order F-4. According to the Charter of the City and County of San Francisco, Section 3.350, the Commission has the power and duty to organize and re-organize and manage the Police Department. My motion is based on the following: The first three (3) options provided this Commission by the City Attorney's Decision on February 14, 1989, are not viable. Specifically, they are in order stated; (1) The Commission may request a report from the Chief explaining the reasons for his decision not to file a complaint. (RESPONSE) Police Chief Jordan gave this Commission a complete and concise report on December 14, 1988, I have no reason to question the Chief's competency or integrity in regard to said report. (2) The Commission may order the Chief to reconsider his

decision. (RESPONSE) Given that both Police Management Control and the Office of Citizens Complaints conducted simultaneous and independent investigations there is no need for this Commission to conduct yet another. There does exist however a pressing need for this Commission to resolve the competing conclusions resulting from the Department's and OCC's investigations. We can do so by exercising option 4 and that is that this Commission order the Chief of Police to file a complaint. The filing of charges against Officer Achim does not create a presumption of guilt, to the contrary, Officer Achim is presumed innocent unless it is proven otherwise. It is not improper nor unethical for the Chief to file charges against an officer even though he personally may not feel that they are warranted. The Chief only needs to sign a verified complaint based on the Office of Citizens Complaints findings that the officer used excessive force in violation of General Order F-4. This Commission's failure to act in a decisive and timely manner by ordering the Chief to bring charges will call in the question of not only the viability of the Office of Citizens Complaints but also that of the Police Commission.' I would have been prepared to move this motion tonight but, in difference to the President of this Commission, and I also have very high regards for the Chief of Police, I will stay my motion until we have had an opportunity to have the Chief present his report and until we also have an opportunity to hear from the Office of Citizen Complaints and again this will also be under the advise of the City Attorney."

Commissioner Orr: "I would just like to read to you what's on this report, this complaint that the Chief files with us when he submits charges and this is on every complaint that is submitted. 'I, Frank Jordan, declare under Penalty of Perjury that I am the complainant preferring the within charges, that I have read said charges and that the matters alleged therein are stated on my information and belief and that I believe them to be true.' And he swears an oath to this. As far as I am concerned if he doesn't believe that that is the truth then I respect his decision not to file a complaint. If on the evidence of fact, as a police officer, he feels that the evidence is overwhelming to bring charges I respect that as well. But I am more inclined, if in the face of questionable facts, and his overwhelming belief that the charges are not substantial, that he declines then I must accept that. Again, citing his personal integrity, his record and his job according to the City Charter is to administer this Department. Our job is to conduct Policy to organize to manage but managing the police ranks itself is a job of the Police Chief and when that comes in question then we must speak to that. I don't think that that is in question right here. Also with respect to the other option of asking the Chief to reconsider his findings, I agree with my fellow Commissioners that that is useless, he has said very passionately what he feels and believes. I am interested in hearing from the OCC because I would like to know the nature of their findings, if that is possible, without prejudicing ourselves. I do not believe we should investigate our own findings because I think we could prejudice ourselves. I think in light of all of the media attention to this matter it would be very difficult for us not to. So, I do think that it is expeditious for us to hear the Chief and hear the OCC and then make a decision at that time."

Commissioner Nelder: "I haven't a specific comment Mr. President excepting if there is an opportunity to question both the Chief and the Director I will support the motion."

Commissioner Giraudo: "Alright, there is a motion and second, all those in favor?"

(UNANIMOUS AYES)

Commissioner Giraudo: "All those oppose.
(NONE) Alright so moved.

RESOLUTION NO. 288-89

AUTHORIZING ACCEPTANCE OF A VAN FOR USE BY THE
COMMUNITY SERVICES DIVISION - WILDERNESS YOUTH
PROGRAM FOR ONE YEAR, DONATED BY THE VARIETY CLUB OF
CALIFORNIA

RESOLVED, that the Police Commission hereby authorizes the Chief of Police to accept on behalf of the San Francisco Police Department the donation of a van for use by the Community Services Division - Wilderness Youth Program for a period of one year, donated by the Variety Club of California. The van is used and has a use value of approximately \$5,000. The van is to be returned to the Variety Club after one year.

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL OF
SUPPLEMENTAL APPROPRIATION AMOUNTING TO \$50,547 TO
FUND AN ANTI-DRUG PROGRAM ADMINISTERED BY SAN
FRANCISCO SAFE, INC.

Chief Frank Jordan said he knows the Commission is well aware of the San Francisco SAFE Program meaning Safety Awareness for Everyone and the Executive Director, Gwenn Dillworth Battle is here to give the Commission some background in terms of exactly what will be done with this \$50,000. Ms. Battle said they are proposing with this particular request to expand the work they have been doing specifically in Alice Griffith and also Casa East. She said in Alice Griffith, they conducted a need assessment survey, which was also done throughout the Bayview Hunters Point Area and also Potrero Hill and Potrero Terrace. She said the primary concerns of the residences community identified out there were concerns for the safety of their young people and also drug prevention information. She said what they found when they went out there was that they could not come out with their standard package which is a crime prevention education and a drug awareness education package because people were too frightened to let it be known to the wider community that they were organizing around crime issues, so they softened and began to focus on more community rebuilding livability issues, modifications and programs for the children. She said they are looking at different models from other cities that are real promising and are hoping to bring them to San Francisco where they would adopt them for our city's situations. She said there are a lot of things on the drawing board that they are excited about and this grant will help them bring those

things alive. Commissioner Nelder said he would move approval, seconded by Commissioner Orr and unanimously approved.

RESOLUTION NO. 289-89

REQUEST FOR A SUPPLEMENTAL APPROPRIATION AMOUNTING TO \$50,547 TO FUND AN ANTI-DRUG PROGRAM ADMINISTERED BY SAN FRANCISCO SAFE, INC.

RESOLVED, that the Police Commission hereby approves a request for a supplemental appropriation amounting to \$50,547 which will appropriate funds from the Narcotics Forfeiture and Asset Seizure Fund to support an anti-drug program administered by San Francisco, SAFE, Inc.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 290-89

SETTING OF DATE FOR HEARING OF POLICE OFFICER WILLIAM S. TAYLOR, PERSONNEL DIVISION

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer William S. Taylor, Personnel Division, was called it having been scheduled for this date; and

WHEREAS, the hearing date is set for June 28, 1989, with the proviso that Officer Taylor's attorney, Mr. Stephen Bley, be ready to proceed without further delay at that time; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Officer William S. Taylor is set for Wednesday, June 28, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 291-89

SETTING OF DATE FOR HEARING OF POLICE OFFICER JOSEPH C. KIRLEY, TRAFFIC ENFORCEMENT AND INVESTIGATIONS

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer Joseph C. Kirley, Traffic Enforcement and Investigations, was called it having been scheduled for this date; and

WHEREAS, the hearing date is set for June 21, 1989, with the proviso that Officer Kirley's attorney, Mr. Jerry Spolter, be ready to proceed without further delay at that time; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Officer Joseph Kirley is set for Wednesday, June 21, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 294-89

HEARING OF POLICE OFFICER HENRY J. FIKKERS, TARAVAL STATION

WHEREAS, the date for the hearing of the disciplinary charges filed against Police Officer Henry J. Fikkers, Taraval Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law for the San Francisco Police Department, that the date for the hearing of Officer Henry J. Fikkers be continued to April 19, 1989; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Officer Henry J. Fikkers is continued to Wednesday, April 19, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

HEARING OF POLICE OFFICER JUDITH C. TWINE, INGLESIDE STATION

The hearing of the disciplinary charges filed against Police Officer Judith C. Twine, Ingleside Station, was called it having been set for this date. Police Officer Judith C. Twine was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency, or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency, or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Police Officer Judith C. Twine appeared in person and was represented by Sergeant Peter Maloney.

An opening statement was not made by the Defense nor the Prosecution.

Officer Twine entered a plea of guilty to both Specifications.

Commissioner Alfred Nelder made a motion to accept the plea of Officer Twine, and was seconded by Commissioner Jose Medina and unanimously approved and accepted by the Commission.

The following witness was called by the Prosecution, was sworn and testified:

Sergeant Donald Fouke, Management Control Division

Officer Twine, not having been sworn, made a statement in her own behalf.

Based on those findings, the Commission requested a recommendation from Chief of Police Frank M. Jordan. The following recommendations were made by Chief Jordan:

SPECIFICATION NO. 1

60-day suspension, 30 days to be served, and the remainder to be held in abeyance for two (2) years.

SPECIFICATION NO. 2

30-day suspension, 15 days to be served consecutively after 30-day suspension, which will result in a 45-day suspension and 45 days held in abeyance for two (2) years.

In addition this suspension shall not commence until after Officer Twine returns to duty, since she is currently on extended sick leave.

The Commission took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 292-89

DECISION - HEARING OF POLICE OFFICER JUDITH C. TWINE, INGLESIDE STATION

WHEREAS, on October 27, 1988, Frank M. Jordan, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Judith C. Twine, and

WHEREAS, the Commission having heard the matter, makes the following findings of fact as set forth in the following charges:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency, or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

- (1) At all times herein mentioned, Judith C. Twine, Star No. 1299 (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department and is assigned to the Patrol Division - Ingleside Station;
- (2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

- (3) On or about July 10, 1988 at approximately 0900 hours, Officer Keith Singer, Star No. 1384, observed a 1983, two-door vehicle with California personalized license plate "TO SNOOK" parked in the police parking lot at the rear of the Hall of Justice. The 1988 yellow registration tab appeared irregular to Officer Singer, who conducted a registration check of the vehicle. The registration check indicated that the vehicle was registered to the accused and that the registration had expired on or about April 16, 1986;
- (4) From about January 6, 1986 until about March 2, 1988, the accused's vehicle with California personalized license plate "TO SNOOK" received approximately forty-one (41) traffic citations for illegal parking.
- (5) From about September 16, 1986 until about August 10, 1988, the accused failed to pay the traffic fines for the forty-one (41) traffic violations which were accumulated to the accused's vehicle. The traffic fines exceeded \$1,343.00.
- (6) The accused, by failing to pay the traffic fines for traffic citations which were accumulated by a vehicle registered to her, has engaged in conduct which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency, or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

- (7) The allegations contained in paragraphs (1) through (6) of Specification No. 1 are hereby incorporated by reference as if fully set forth herein:
- (8) On or about July 10, 1988, Officer Keith Singer, Star No. 1384, observed that the accused's vehicle with personalized license "TO SNOOK" had an attached 1988 California license tab number A161067, with the seventh and final number missing. A computer check indicated that the accused's vehicle registration had expired in April 1986. The accused's vehicle was then cited.

- (9) The Department of Motor Vehicle records indicate that the 1988 vehicle license tab numbers A1610670 through A1610679 were not issued to the accused or any other members of her family.
- (10) On or about August 20, 1986, the accused's vehicle with California Personalized License Plate "TO SNOOK" received a traffic citation for violating California Vehicle Code Section 4000a (no current registration).
- (11) On or about December 1, 1987, the accused's private vehicle with California License Personalized Plate "TO SNOOK" received a traffic citation for violating Traffic Code Section T202 (Street Cleaning). This traffic citation indicated that the accused's private vehicle had a 1988 California vehicle tab;
- (12) Between about August 20, 1986 and December 1, 1987, the accused obtained California vehicle tab number A161067, with the seventh and final number missing, and displayed it on her vehicle;
- (13) From about August 20, 1986 until about July 10, 1988, the accused did not pay the fees to register her private vehicle as required by the California Vehicle Code;
- (14) From about August 20, 1986 until about July 10, 1988, the accused displayed a California vehicle tab which was not issued to her on her vehicle for the purposes of circumventing the California Vehicle Code registration requirements;
- (15) The accused, by failing to register her private vehicle, by obtaining a California vehicle tab which was not issued to her, by displaying a California vehicle tab on her unregistered vehicle, and by displaying a California vehicle tab on her unregistered vehicle for the purposes of circumventing the California Vehicle registration requirement, has engaged in conduct which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San

Francisco on Wednesday, March 1, 1989, and on Wednesday, March 1, 1989, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specifications No. 1 and No. 2 as preferred by the Chief of Police against Police Officer Judith C. Twine are sustained by a preponderance of evidence presented; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

SPECIFICATION NO. 1

Thirty (30) calendar days suspension

SPECIFICATION NO. 2

Fifteen (15) calendar days suspension

RESOLVED, that the forty-five (45) calendar days suspension shall be imposed upon Officer Twine's return to duty from her sick leave.

Note: Sergeant Jesse Brown, Medical Liaison, is to advise the Police Commission when Officer Twine returns to duty from her extended sick leave.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

Recess taken during the hearing of Officer Judith C. Twine:

6:45 p.m. to 7:00 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF POLICE OFFICER DAVID D. WRIGHT, INGLESIDE STATION

The hearing of the disciplinary charges filed against Police Officer David D. Wright, Ingleside Station, was called it having been set for this date. Police Officer David D. Wright was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency, or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency, or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Police Officer David D. Wright appeared in person and was represented by Mr. James Collins, Attorney at Law.

An opening statement was not made by the Defense nor the Prosecution.

Officer Wright entered a plea of guilty to both Specifications.

Commissioner Alfred Nelder made a motion to accept the plea of Officer Wright, and was seconded by Commissioner Pius Lee and unanimously approved and accepted by the Commission.

The following witness was called by the Prosecution, was sworn and testified:

Sergeant William Hardeman, Management Control Division

The following witnesses were called by the Defense, were sworn and testified:

Officer David Wright, Company H
Sergeant Dave R. Seim, Company H
Lieutenant Al Benner, EEO Services,
Administration

Based on those findings, the Commission requested a recommendation from Chief of Police Frank M. Jordan. The following recommendations were made by Chief Jordan:

SPECIFICATION NO. 1

30-day suspension

SPECIFICATION NO. 2

15-day suspension to be served consecutively after 30-day suspension, for a total of 45-days suspension

The Commission took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 293-89

DECISION - HEARING OF POLICE OFFICER DAVID D. WRIGHT, INGLESIDE STATION

WHEREAS, on September 6, 1988, Frank M. Jordan, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer David D. Wright, and

WHEREAS, the Commission having heard the matter, makes the following findings of fact as set forth in the following charges:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency, or discipline of the

department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

- (1) At all times herein mentioned, David D. Wright, Star No. 2247 (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department and is assigned to the Patrol Division - Ingleside Station;
- (2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;
- (3) On or about March 31, 1988 at approximately 0917 hours, Officer James S. Lomax, Star No. 1944, issued a citation for an illegally parked vehicle at 850 Bryant Street to a 1974 sedan with California license plate number 398 LYK. A computer check of this vehicle indicated that the vehicle was registered to the accused.
- (4) From about September 16, 1986 until about March 25, 1988, the accused's vehicle with California license plate number 398 LYK received approximately thirty-two (32) traffic citations for illegal parking.
- (5) From about September 16, 1986 until about March 25, 1988, the accused failed to pay the traffic fines for the thirty-two (32) traffic violations which were accumulated to the accused's vehicle. The traffic fines exceeded \$800.00;
- (6) The accused, by failing to pay the traffic fines for the traffic citations which were accumulated by a vehicle registered to him, has engaged in conduct which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

- (7) The allegations contained in paragraphs (1) through (6) of Specification No. 1 are hereby incorporated by reference as if fully set forth herein:

- (8) On or about March 31, 1988, Officer James Lomax, Star No. 1944, issued a citation to the accused's vehicle for being illegally parked. The vehicle with California license plate number 398 LYK had an attached 1988 California license tab number Y6198626. A computer check indicated that the accused's vehicle registration had expired in September 1987. The accused's vehicle was then cited and towed:
- (9) The Department of Motor Vehicles records indicate that the 1988 vehicle license tab number Y6198626 was issued to a vehicle which had California license plate number 161 PSQ. Further investigation determined that the vehicle with California license plate number 161 PSQ was owned by a citizen who lived on Montana Street in San Francisco which is located in the Ingleside District and that the California vehicle tab for that vehicle had been stolen:
- (10) On or about February 15, 1988 the accused's vehicle with California license plate number 398 LYK received a traffic citation for violating California Vehicle Code Section 400a (no current registration).
- (11) On or about March 18, 1988, the accused's private vehicle with California license plate number 398 LYK received a traffic citation for violating California Vehicle Code Section 22514 (Parking within 15 feet of a fire hydrant). This traffic citation indicated that the accused's private vehicle had a 1988 California vehicle tab;
- (12) Between about February 15, 1988 and March 18, 1988, the accused obtained the stolen California vehicle tab number Y6198626 and displayed it on his vehicle;
- (13) From about March 18, 1988 until about March 31, 1988, the accused displayed a stolen California vehicle tab on his vehicle for the purposes of circumventing the California Vehicle Code registration requirements;
- (14) The accused, by obtaining a stolen California vehicle tab, by displaying a California vehicle tab on his unregistered vehicle, and by displaying a California vehicle tab on his unregistered vehicle for the purposes of circumventing the California Vehicle Registration requirements, has engaged in conduct which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such

offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, March 1, 1989, and on Wednesday, March 1, 1989, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specifications No. 1 and No. 2 as preferred by the Chief of Police against Police Officer David D. Wright are sustained by a preponderance of evidence presented; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

SPECIFICATION NO. 1

Thirty (30) calendar days suspension

SPECIFICATION NO. 2

Fifteen (15) calendar days suspension

RESOLVED, that the forty-five (45) calendar days suspension shall commence on Thursday, March 2, 1989 at 0001 hours and end Saturday, April 15, 1989 at 2400 hours.

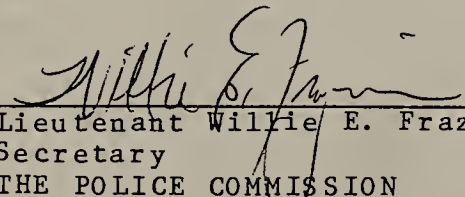
AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

Recess taken during the hearing of Officer David D. Wright:

7:12 p.m. to 7:21 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

The meeting, thereafter, was adjourned at 7:40 PM.


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/rt
W/4849M

Minutes
MARCH 6, 1989

SPECIAL MEETING

5
The Police Commission of the City and County of San Francisco met in Chinatown at the Chinese Six Companies, 843 Stockton Street, on Monday, March 6, 1989 at 7:00 p.m. in a Special Meeting.

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iel
AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

At this time, Mr. Steven Ng, Presiding President of the Chinese Six Companies, was introduced and gave a brief opening statement in the Cantonese Language to the Commissioners and those members of the public who were in attendance. The English translation was as follows: "Commissioners, Chief Jordan and the Commanding Staff and the Press, on behalf of the Chinese Six Companies, we first want to welcome all of you here and we also want to show appreciation, as we know that this is the first time that the Police Commissioners have gone into the neighborhoods. I know that various Commissions do that and this is the first one. And also this year this is the first one to come to Chinatown so I want to make sure to thank all of you and especially Commissioner Pius Lee for his work. The Presiding President mentioned this evening that you must open your heart and express your opinion on what is best for our community. I know that you know that Community Relations Captain Arnold is here and I know that the Citizens Complaints Director, Mr. Michael Langer is here so I think that all of us on either side are here and I just say thanks and welcome."

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Commissioner Giraudo, thanked the Presiding President and welcomed and thanked everyone for welcoming the Police Commission to Chinatown for the opportunity to come into the first neighborhood meeting as a Police Commission to enter into dialogue with the community with respect to the concerns that the community may have about police services in San Francisco and to describe the functions of the Police Commission and the various departments that fall within the jurisdiction of the San Francisco Police Commission. Commissioner Giraudo then introduced Chief of Police Frank Jordan and Mr. Michael Langer, Director of the OCC.

Chief Jordan then addressed the assembly thanking the Chinese Six Companies and Commissioner Pius Lee for inviting and allowing the Administration to be here tonight for very open communications and dialogue. He said he felt it was very important to listen to some of the issues here that the community feels are of very high priority and to have an opportunity for him to introduce some of the Police Department Staff that will interact with the community on almost a day to day basis. He said this will also give those in attendance an opportunity to ask questions and express issues and look for answers as he and staff are very much open as to what their comments are and whatever problems there may be that need to be solved and must be solved in a collective way. He said the Police Department cannot do it by itself, it must look for community support from all of the neighborhoods in San Francisco. He then introduced Commissioner Lee who addressed the assembly in Cantonese. Chief Jordan, thereafter, introduced members of the Command Staff and asked them to give a brief overview of what their responsibilities are and how it relates to the people of the community here in

Chinatown. He continued by saying, thereafter, he would like for people, during the course of this meeting, to ask him or any members of the Department here, questions that they feel are appropriate to help them to resolve problems or to have further clarification of how the Department may help. He then introduced the Deputy Chief of Administration Willis Casey, Commander Fred Lau, Acting Captain of Central Station, Lieutenant Dan Hallisy, Lieutenant Pete Otten, Intelligence and the Commanding Officer of the Community Relations Division, Captain James Arnold. All gave a brief description of their Division's Functions.

Chief Jordan said he thanked the officers for their presentations and would be speaking to them some more as the evening progressed. He then said he personally wanted to thank the Chinese Six Companies and the Chinese business community for the Koban on Grant Avenue. He said it has been very well received in the community but not only in the community but also by all of the tourist who visit here in Chinatown in terms of a place they know that they can go to and have an officer available to talk about issues. He said it could be something dealing with the business community along Grant Avenue or congestion and parking or the officer could give out traffic citations at certain times and also crime prevention literature or other like materials to help reduce criminal activity in the neighborhood.

Commissioner Giraudo then asked Mr. Langer, Director of the OCC, to make a few comments. Mr. Langer explained the mandate of the OCC as defined by the City Charter and the make up of his office in terms of personnel and their various responsibilities in dealing with Citizens Complaints filed against Police Officers. He then introduced one of his newer investigators, Ms. Pam Moy who said that she was born and raised here in Chinatown and if anyone in the community has any problem that they would like to bring to the OCC she wanted them to know that she was there to help. She said she was there also to translate for anyone who may need that type of service.

Commissioner Giraudo then invited members of the audience who wished to make comment to come forward and express their opinions, questions or desires about or for police services. Mr. Philip Lee of the Chinese Chamber of Commerce, said this is a welcome opportunity for the Chinese Community to recompense and an opportunity to express their concern regarding the security and the welfare of the citizens of the Chinese Community. He said the comment from the Chief about the Koban was well organized and it was put up by the Chinese Community and Commissioner Pius Lee was one of the pioneers of the project. He said lately he had observed Officer Stan Lee being assigned there most of the time and at one time there were some cadets also there and he wondered what happened to the cadets. It was pointed out that the cadets were assigned there only on the weekends. He was also told the hours and days of which the Koban has someone present. Mr. Lee said he would suggest that there be more bilingual officers assigned to the Koban as their are numbers of Vietnamese, Cambodians and other Asians with different dialects settling in Chinatown. He also spoke about a professional safe burglary job where the safe was transported from a second floor of a building under construction to the 3rd floor and torched and no one saw any of this going on.

Chief Jordan advised him that there would be more officers coming on the force with bilingual skills, that there were two (2) academy classes planned for this year which would increase the compliment of the Police Department by 80 new officers and as far as the burglary, someone has to be aware of what was going on and it points to the need of the Department obtaining the community's cooperation in letting it know when suspicious activities are occurring so the Department can come out and investigate and help them.

Another speaker said he would agree with Mr. Lee as he has passed by the Koban several times a day and with only Officer Lee, there is not enough. He said a lot of money was spent on the Koban to put it there and the Department should make sure that it is manned at all times. Chief Frank Jordan said that the Department came on line two (2) years ago explaining that the best it could do was to put some one there five (5) days a week, eight (8) hours a day and wanted to know at that time what were the best hours here in the Chinese Community and that the Department would try and acknowledge what they may have wanted. He said now the Department is increasing the time to six (6) days for the Koban because Police Reserves are now coming on line to help supplement the Personnel.

Mr. Ronald Chin, President of the Chinese Chamber of Commerce, said he would like to thank the Police Department for its continual support of the Asian Community especially during their celebrations of the Chinese Community New Years Parade, Double Ten Celebration and they were very cooperative from the local station all the way up to the Chief's Office and that is a rarity in itself. He said he felt today is a very important day and hopes it is a sign of things to come for the Police Commission as well as other Commissions in the City to find out what the citizens of the city feel. He said he would once again like to repeat his thanks and give his accolades to the Department for its wonderful cooperation with the Chinese Community as the Department has been here to help them whenever they have needed it and the Community has been there to help raise the money to build the Koban, helped with the Police Mounted Unit, presented sufficient help to support the Lion Dance Troupe and, he said, that is the cooperation they have not seen for a long time and he thought that that is a wonderful thing that has happened. He said the community should also assist in recruiting from the Asian Community and should push for an increase in more taxi permits.

Commissioner Giraudo said in terms of more Taxi Permits, it is a very, very difficult issue to deal with as when you speak about Public Convenience and Necessity and then to quantify that in terms of the number of permits to be issued all of a sudden it becomes very political. He said they appreciated the question and again it is a matter of staffing for obtaining a staff report on the issuance of additional permits.

Beverly Hornack, Deputy Director of Self Help for Elderly, said that as an active Community Agency, they are able to see many officers in very different roles. She said they see them in their law enforcement role when they call them after one of their senior citizens have been robbed, in the role of maintaining mental health when they pick up the lost man in Chinatown and see him as someone who

has to be very gentle, when one of their seniors come in and cannot remember where they live. She said they are very, very appreciative of their Station and relationship it has with their community. She said they are appreciative of the response that has been expressed to many of the needs they have stated. She said, however, they too would like to see more policemen walking the beat as it really makes a difference seeing how their seniors respond differently to a police officer. She said, and so, they really do need more police officers.

Michael Wong, Coalition for Greater Silence which focuses on Anti-Asian Violence, said he wanted to express their interest and concern in the future of the SFPD's Hate Crime recording system. He said as most of those present know this was made into a Special Order last year under Special Order 88-06 and expired at the beginning of this year. He said this was a very important project for the community. One, he said, it was under the leadership of the Community Services Division, Captain Arnold and also Inspector Tambara and it was important that it came about but it was also because the Community Service Division was able to incorporate a broad range of community input from the Asian Community, the Black Community, Women's Community, Gay Lesbian Community, and others. Secondly, he said, this is going to put SF on the map also. He said at that time SF became only the third city in California where a comprehensive Hate Crime Recording System is in effect and it is something that we can also be proud of too. He said they would like to know or what they would like to see is they would like to make a few suggestions. 1. That there be involved a process of Community Orientation, 2. That there be input on changes on which amendments can be made, 3. That there be an implementation for the active Community Education Outreach Program designed for the general communities without the existence of the econ reporting system. He said the training materials that have been developed by the Community Services are excellent and this includes the written materials and the Opinion Tape Casette Training Session that has been used in all different stations. In addition there has been a lot of training at the Police Academy. He said this is all a very positive step. He said they would hope that efforts like this will continue in order to have San Francisco remain in the forefront of jurisdictions treating very seriously Hate Crimes.

Chief Jordan thanked him for bringing it up and said that the Department has been tracking and monitoring this matter as it is very high priority item for the Department as well. He said the Special Order had expired but at the same time the Department has a Training Bulletin which is, in effect, continuing on through. He said what he would like to do is have Mr. Wong talk with Captain Jim Arnold who could give him a complete update in terms of hate crimes they are seeing in San Francisco and how it impacts on their community. He said the Department will implement a Permanent Order that will go into effect in an in-depth basis but the Department wants Mr. Wong's input also.

Captain James Arnold, Community Services Division then came forth and gave the audience an explanation of Hate Crimes and some of the laws from the California Penal Code relating thereto.

Mr. Gordon Lee, citizen, said he just wanted to comment on the response time on an accident occurring on Stockton Street. He said it was a hit and run and in the next two (2) minutes the police were there, and right after them the ambulances and the fire engines and he must say that the response time for 911 really works. He said he also wanted to mention that more foot patrolmen were needed not only for the evenings but especially for the day time. He was also concerned about not being able to make a left turn from Kearny Street into Washington and about people who park at parking meters all day and does not move but merely has someone to feed them as necessary. He said this person, a woman, does this for ten (10) meters all day long. Chief Jordan said that could easily be resolved that it would be given to Lieutenant Hallisy and the Traffic Division and the problem will be eliminated.


Ms. Angela Chang, Executive Director, said she would like to see more Asian women in the Police Department because so many times, crimes will go unreported simply because victims are reluctant to report to men.

Chief Jordan said the Department would be happy to have them as this is an area that the Department would be happy to see more Asian women and for that matter more Asian women overall in the Police Department. He mentioned Police Officer Heather Fong who is Asian and the many details that she had been assigned to and that each Division's Commanding Officer when it came time for her to leave did not want to give her up. He then introduced Officer Fong who was also present. Officer Fong gave a brief presentation of what her experiences has been as a San Francisco Police Officer. It was during this time that the subject of gambling in Chinatown came up and Chief Jordan asked Lieutenant Otten of the Intelligence Unit to comment. Lieutenant Pete Otten said that there is an active enforcement unit in the Police Department that monitor the problems of gambling in Chinatown, from time to time, that crop up and it is the Vice Gambling Division. He said they do make arrest throughout the year and in some cases citations are issued. He said and the Department is concerned for many reasons not the least of which is that some of the gangs sell protection to the Gambling Parlors so if someone is aware of gambling let the Department know as there are arrest being made.

Mr. Steven Louie, Executive Secretary of the Organization of Chinese Six Companies. He said personally, he wanted to thank Commissioner Pius Lee for bringing the Police Commission to Chinatown. He said it looks like a history making event and they certainly appreciate that. He said secondly he wanted to let them know that the front porch of this building as well as the front porch of the Victory Hall are the three (3) big places for deposit of ladies purses after they have been snatched from the women. He said it is understood that the bus lines along Stockton Street is the favorite route for purse snatching. He said he wondered if plainclothes man could ride on some of the buses and prevent some of the purse snatchings. Chief Jordan advised that the Department does have officers riding buses on the Muni but the problem is there are 800 buses all over San Francisco and they look on a daily basis for the high crime lines. He said but they do have a very active group of officers here on the Stockton Street line as they have found different elements coming in from the Bay Area not just from San Francisco to take advantage of tourist

in San Francisco and they see this as one of the areas. He said so they are constantly assigning either plainclothes officers or uniformed police officers. He said so in answer to Mr. Louie's question, the Department would love to do more so if the community could give more accurate reporting as to numbers of crimes and how they are committed, the more service the Police Department could give to them by concentrating on the criminals' method of operation.

As there were no more comments, the Vice President of the Chinese Six Companies thanked the Commissioners for coming to Chinatown and Commissioner Giraudo thanked everyone for being present and participating and on motion by Commissioner Nelder, which was seconded by Commissioner Orr, the meeting was adjourned at 7:35 PM.


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/rt
W/4876M

Minutes
MARCH 8, 1989

CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Wednesday, March 8, 1989 at 1700 hours in Closed Session. DOCUMENTS DEPT.

Commissioner Giraudo presiding.

JUN 20 1989

1. Personnel Matter

SAN FRANCISCO
PUBLIC LIBRARY

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

MARCH 8, 1989

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in the 6th Floor Auditorium, Hall of Justice, 850 Bryant Street on Wednesday, March 8, 1989 at 1730 hours in a Regular Meeting.

Commissioner Giraudo presiding.

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

APPROVAL OF MINUTES OF SPECIAL MEETING OF NOVEMBER 30 AND REGULAR MEETING OF NOVEMBER 30, 1988

Approval of Minutes of Special Meeting of November 30 and Regular Meeting of November 30, 1988, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 306-89

CORNELIUS SMITH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Cornelius Smith in the sum of \$2,157.17 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 30, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 307-89

SOPHAN KAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sophan Kan in the sum of \$1,500.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 23, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 308-89

BUDGET RENT A CAR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Budget Rent A Car in the sum of \$1,038.38 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 2, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 309-89

RICHARDO SILVA MAGALHAES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Richardo Silva Magalhaes in the sum of \$667.27 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 1, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 310-89

DARRELL L. MARK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Darrell L. Mark in the sum of \$120.25 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 17, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

RESOLUTION NO. 311-89

LILIA D. BORROGA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lilia D. Borroga in the sum of \$106.94 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 5, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

POLICE COMMISSION REPORT

Commissioner Giraudo said there are a number of items and first of all the Police Commission met in Executive Session yesterday on a Personnel Matter

with respect to the judgement on the performance of the Chief of Police and no vote was taken at that meeting. He said there was also an Executive Session this evening on a Personnel Matter with respect to hiring policies of the OCC and there was no vote taken there either.

COMMISSIONER GIRAUDO: I would like to make a comment with respect to item number 8 that we'll be hearing this evening.

Obviously there are a lot of people here this evening who are very interested in this particular item. We have had many, many hearings with respect to the Bush demonstration, the Huerta matter, and we've had a great deal of public input into this particular matter. We have gone through a change in the policy for crowd control for the San Francisco Police Department, and we have dealt with the issue of the City Attorney's opinion to this Commission with respect to a decision made by the Chief of Police of the City and County of San Francisco. We've had opinions rendered by the City Attorney and by other interested community parties -- the American Civil Liberties Union (ACLU), the National Lawyers Guild (NLG), private counsel for, I'm sorry, Mr. Kim Malchesky and others.

The Commission has read all of those opinions. The Commission has considered all of those opinions. The Commission has heard from many, many people by way of telephone, by way of letters and by way of testimony in the public forum, and as we have said from the onset that we would have public testimony which occurred three weeks ago on this particular matter. So we will not be taking public testimony this evening. This was the evening that we had designated as the evening that this Commission would make its decision with respect to that City Attorney's opinion.

So, I would ask that those of you who are new to the process this evening, please understand that this has been an ongoing process for some four to five months and so I would ask that when the secretary calls for public comments tonight, that you understand that we are not seeking nor do, are we in a position this evening to hear testimony with respect to item number 8 under public comments because we have had public comments over the past five months in this particular matter.

So, I don't think there's anything else in the Police Commission Report.

(a) PUBLIC COMMENTS

No public comments made at this time.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan said he just had one additional item and that is just to notify the Commission that the Department did have a meeting today with all parties of the Consent Decree. And at the end of this month the Department will have its 10 year Consent Decree Mandate completed, however, he said one last meeting will take place in Federal Court with Federal Judge Peckham, one last meeting next Friday, on March 17th, where the Department still has three areas of concern that have not been

fulfilled in the Consent Decree and that is the Department is still short 100 Sergeants, 23 Lieutenants and 60 Inspectors. He said they know that that decision on that particular day, there will be an extension of the Consent Decree to fulfill those three requirements. He said the City Attorney is asking the Department representatives to be present and they will support the extension of the Consent Decree to fulfill those three requirements.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Director Michael Langer announced that he had no report for the Commission tonight.

POLICE COMMISSION DECISION ON CITY ATTORNEY'S OPINION RELATING TO POLICE COMMISSION POWERS WHERE THE CHIEF HAS DECLINED TO FILE A DISCIPLINARY COMPLAINT WITH THE POLICE COMMISSION

COMMISSION GIRAUDO: All right. I am going to ask the Commissioners who wish to speak this evening on this issue to take the time to do so and express whatever opinions they feel necessary. I am going to take the liberty of expressing my opinion initially.

As I stated earlier, this has been an ongoing long process. We have, I believe, focused on policy as a Commission and changed crowd control policy to what I believe is the most progressive in existence in the United States, if not in the world.

We have a decision that was made by the Chief of Police with respect to the disciplinary procedures with respect to this particular matter. At our last hearing, we made the decision that we would go into executive session to judge if we could, to make an informed judgment with respect to that decision that the chief made and to determine as a Commission whether or not he had abused his discretion as the Chief Administrative Officer of this Department.

We did so in what we considered to be a pristine matter. We were guided by two (2) Deputy City Attorneys, Mr. Burk Delventhal and Mr. John Morris who are, I believe highly regarded with respect to their expertise in these matters.

We were most careful not to put ourselves in a position to prejudge the matter at hand, that is in the event that disciplinary charges were to be filed.

I will say again, that I have reviewed the legal opinions. And I spent the time yesterday in the three-hour session with the Chief of Police and later with the Director of the OCC, and I do not believe that the Chief of Police has given us an ultimatum. I believe that the Chief of Police made a decision, a decision that he feels is the right decision based upon all of the evidence that is available to the Chief of Police and that is the Chief of Police does rely on the investigation of the OCC. That is part and parcel of his responsibility, that is to review each and every aspect of their investigation and then separately, to review the investigation of Management Control and any other expert advice that was made available, such as the possible experts that reviewed the

matter in detail; as well as the reading of the synopsis of the Grand Jury, and I suppose, those reports that have been in the media.

I have come to the conclusion that Frank Jordan, Chief of Police, has not abused his discretion and that he made a good and informed judgment and I do not believe that that judgment should be pitted against the integrity of the OCC. And I do not believe that we are here tonight facing one agency off against another. But I will say that perhaps the comment of John Wall of three meetings ago may be in fact what may be necessary in terms of what the law is today, but I feel duty bound and obligated to follow the law and it is my belief that the Charter of the City and County of San Francisco places that discretion on the Chief of Police and if we, as a Commission, after thorough investigation, do not believe that he abused his discretion, that we then cannot in turn ask him to file a verified complaint, whether it be on information or belief or not, stating that he believes the allegations and the findings to be true. In so doing, we would be asking him to do something that he in good conscience cannot do and that he feels he cannot legally do.

That is what my feeling is after much thought and I will say one more time, this was not for me a political decision or a friendship decision. This was one that was steeped in a great deal of thought, a great deal of soul searching and conscience and it is not easy decision by any stretch of the imagination.

Commissioners. (Applause)

COMMISSIONER GIRAUDO: Please, ladies and gentlemen.

May we please hear from the other Commissioners.

Please, ladies and gentlemen, please.

COMMISSIONER NELDER: I think Mr. Chairman, that your remarks are well taken. However, I do believe that a commission such as this requires a consensus vote. So it will take a motion to move what we support and what we don't support.

But before I make that motion, I want to tell you that we listened to a great deal of testimony here, we read testimony from, or discussions with both the director of the OCC and Chief Jordan. So consequently we came to our final conclusion based upon everything that we know about this particular issue, and I have to say that one of the things that couldn't possibly be taken lightly was the remarks made by different individuals. They were sincere, they gave it their best effort, but I take issue with some of the remarks made, like for instance, John Crew, a very conscientious person from the ACLU, but he indicated that the only independent investigation was made by the OCC. Well, whether it was an independent investigation made by the OCC or an independent investigation made by the Department, I don't think that you can take too lightly what the Grand Jury had done and I have before me a letter in which Arlo Smith wrote and says, and I'll read it to you:

Witnesses were subpoenaed to appear before the Grand Jury solely on the basis that they could provide testimony or other evidence which would

assist the Grand Jury in its investigations. There was no consideration given to the fact that a witness had not been interviewed or was otherwise involved with the OCC investigation.

The fact is that there were a number of police, civilian and medical witnesses who testified before the Grand Jury who were not contacted by that agency. To my knowledge contrary to the allegations made, none of the witnesses who appeared before the Grand Jury were asked about their political activities.

Mr. Smith says that this was a completely, a thoroughly, an independent investigation made, and they made every effort to get to the bottom of this matter and they finally concluded that there were no indictments to be issued.

Now, you know very well that the Grand Jury, one of its initial purposes is to issue an indictment and they had many options here. They could have issued a 245, which is an aggravated assault; they could have issued a 242, which is a simple battery; or even 240 of the Penal Code which is simple assault. They didn't choose to do any of these things and it seems to me that this Grand Jury that's comprised of nineteen people from all walks of life in San Francisco, made a decision solely based on the evidence presented to them and I have to tell you, that had a tremendous impact on me.

So, Mr. Chairman -- and I want to say, that this Chief, San Francisco is lucky to have this Chief -- and my motion is that the recommendation of the Chief is accepted and this matter be tabled.

COMMISSIONER LEE: Mr. Chairman, I would like to second the motion. I support the Chief's decision because according to the Charter and the City Attorney's opinion, that the Chief is the only person authorized to take disciplinary action against any police officer. My support for the Chief's decision does not mean that the Chief's decision is right or wrong, but only to recognize that the Chief is the only person to take disciplinary action against police officers.

The system and policy are not perfect and I will support any proposed change in the near future. Thank you.

COMMISSIONER GIRAUDO: There's been a motion and a second. Any further discussion?

COMMISSIONER MEDINA: I have some comments to make.

COMMISSIONER GIRAUDO: Go ahead and make your comments, Commissioner.

COMMISSIONER MEDINA: I am basing my vote not on any previous hearings that have gone on or before, or at the same time as this hearing, but strictly in regard to the matters that have been before us.

As I stated at the Police Commission Meeting of last week, after reviewing the four options presented this Commission by the City Attorney, I found the first three options non-viable for the reasons stated. The most logical option in my opinion, and nothing has happened in the interim to

change my mind, is Option 4 which would call for this Commission to order the Chief to file a verified complaint.

At last week's meeting, four of my fellow Commissioners did not agree and decided to pursue Option 1 which allowed the Chief and the OCC to explain how they had arrived at their respective conclusions. On Tuesday of this week both parties did so and now this Commission is voting on a course of action. The course that my fellow Commissioners have decided to follow is that of supporting the Chief in his decision not to file charges against Police Officer Achim. It is a decision with which I strongly disagree and in which regard I am casting a no vote for the reasons to follow.

I want to make it clear that my disagreement with the Chief is based solely on his decision not to file a complaint given the OCC's findings. It is not based on the belief that Police Officer Achim is guilty. To the contrary, as I stated previously, Officer Achim is presumed innocent until he is proven otherwise. To not hear this case goes counter to the spirit of the Charter Amendment which created the Office of Citizens Complaints and which calls for civilian review of police misconduct cases. To not to hear this matter calls into question the viability not only of the OCC, but of the Police Commission itself, which according to the Charter of the City and County of San Francisco Section 3.530 states that this Commission has the power and duty to organize, reorganize and manage the Police Department.

The concern regarding the Chief being asked to perjure himself by signing a verified complaint with which he disagrees is in my opinion a non-issue. This Commission would never ask the Chief to perjure himself. We do have in our hands an opinion from the City Attorney advising this Commission concerning the meaning of what constitutes a verified complaint. According to their opinion, the Charter does not define verified complaint. It is my opinion, therefore, that the Chief can sign a complaint merely stating that he is doing so based on the OCC findings.

It also troubles me that the Chief has continuously made public statements to the effect that he would intentionally and purposely disregard a Police Commission directive. The Charter makes it very clear that the Chief is to take his direction from the Police Commission.

What would happen if officers under the Chief's command decided not to follow his directives? Would the Chief bring charges against them and could this Commission then in good conscience hear those charges given that the Chief is not inclined to follow our directives? Under such a scenario, the basic mission of the Police Department and of all of its members which is to protect life and property, to preserve the peace, to prevent crime, to enforce criminal laws and ordinances and to regulate non-criminal conduct as provided by law or by ordinance would be greatly jeopardized.

I do not see how the Chief can be considered an unbiased party in this situation. How can he give equal weight to the findings of the OCC over his own findings? I realize that under the provisions of the Charter it is up to the discretion of the Chief

as to which cases will be brought before the Police Commission. This situation makes it very clear that the Charter needs to be changed so that all OCC sustained complaints come directly to the Police Commission.

I am also troubled that over the past nine months that I have sat on this Commission, we have only reviewed three incidents involving excessive force by a police officer. Two of those cases involved the same officer. Either police misconduct has been greatly exaggerated or cases are not reaching us.

It is for that reason that I feel that the Chief should be ordered in this case to file charges against the officers so that the matter can come under full review by the Police Commission.

In conclusion, I also do not consider the City Attorney's office to be an unbiased party. How can they be when they are defending the City in an action brought by the same complainant in this case.

I would recommend that the Police Commission have access to other legal advice, perhaps from the Bar Association in addition to the City Attorney.

Thank you.

COMMISSIONER GIRAUDO: Thank you very much Commissioner.

COMMISSIONER GIRAUDO: Can we please have a roll call vote on the motion. There is a motion and a second. Roll call.

LT. FRAZIER: President Giraud.

COMMISSIONER GIRAUDO: Yes.

LT. FRAZIER: Commissioner Lee.

COMMISSIONER LEE: Yes.

LT. FRAZIER: Commissioner Medina.

COMMISSIONER MEDINA: No.

LT. FRAZIER: Commissioner Nelder.

COMMISSIONER NELDER: Yes.

LT. FRAZIER: Commissioner Orr-Smith.

COMMISSIONER ORR-SMITH: Yes.

COMMISSIONER GIRAUDO: That's four to one. Thank you very much.

RESOLUTION NO. 312-89

POLICE COMMISSION DECISION ON CITY ATTORNEY'S
OPINION RELATING TO COMMISSION POWERS WHERE THE
CHIEF HAS DECLINED TO FILE A DISCIPLINARY COMPLAINT
WITH THE POLICE COMMISSION

WHEREAS, the matter of the Police Commission decision on the City Attorney's opinion relating to Police Commission powers where the Chief has declined to file a disciplinary complaint with the Police Commission was heard, and

WHEREAS, the same matter sans a decision by the Commission was heard at the Police Commission meeting of March 1, 1989 with the decision promised for tonight's hearing, and

WHEREAS, the Police Commission has thoroughly discussed the issues and publicly verbalized their own individual findings and reasons for voting in the manner which subsequently appears in this document; therefore be it

RESOLVED, that the Police Commission's decision on the City Attorney's opinion relating to the Police Commission powers where the Chief has declined to file a disciplinary complaint with the Police Commission was approved as follows:

A motion was made by Police Commissioner Alfred J. Nelder that the Police Commission not order the Chief of Police to file charges against Police Officer Francis Achim in the matter of Dolores Huerta stemming from the September 14, 1988, Vice President George Bush Demonstration, which was seconded by Commissioner Gayle Orr-Smith and approved by a 4 to 1 Vote. Request for a poll of the Commission thereafter revealed:

AYES: Commissioners Giraudo, Lee, Nelder, Orr-Smith
NAY: Commissioner Medina

and be it further

RESOLVED, that based on the foregoing it shall be, and it is hereby the findings and decision of the Police Commission to decline to direct or order the Chief of Police to bring charges against Police Officer Frank Achim on the Dolores Huerta incident stemming from the September 14, 1988, Vice President George Bush Demonstration at the St. Francis Hotel, Powell and Geary Streets.

At this point the Commission took a brief recess. Thereafter, the meeting resumed.

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL OF A SUPPLEMENTAL APPROPRIATION AMOUNTING TO \$1,625,000 FROM PERMANENT SALARIES AND RELATED FRING BENEFITS TO DIFFERENTIAL PAY (\$85,000), OVERTIME (\$1,500,000), AND HOLIDAY PAY (\$40,000)

Deputy Chief Casey said that during the last budget period, the Mayor's Office reduced the SFPD's Budget by approximately \$1,700,000.00 in the overtime account. He said the Department had asked for the full amount but, because of the financial crisis at the time, they decided to reduce that amount. He said the time has come and the Department is virtually out of overtime funds and there is excess salary money now because so many officers are off on leave and so many have left. He said what they are asking tonight is to have the Commission authorize the Department to use the unused salary money to offset the Department's shortage in overtime. Commissioner Nelder said he would move approval. Commissioner Lee seconded, it was unanimously approved.

RESOLUTION NO. 301-89

REQUEST TO REAPPROPRIATE \$1,625,000 FROM PERMANENT SALARIES AND RELATED FRINGE BENEFITS TO DIFFERENTIAL PAY (\$85,000), OVERTIME (\$1,500,000), AND HOLIDAY PAY (\$40,000)

RESOLVED, that the Police Commission hereby approves a request for a supplemental appropriation amounting to \$1,625,000 which will reappropriate \$1,625,000 from Permanent Salaries and Related Fringe Benefits to Differential Pay (\$85,000), Overtime (\$1,500,000), and Holiday Pay (\$40,000).

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 302-89

REQUEST OF THE CHIEF FOR APPROVAL OF ISSUANCE OF A TAXICAB MEDALLION PERMIT TO CLEMENT V. ANGELI

WHEREAS, the San Francisco Police Commission conducted hearings from November 1986 through February 18, 1988 regarding the current levels of taxicab service in the City and County of San Francisco, and the requirements of public convenience and necessity therefor; and,

WHEREAS, based upon the entire record of the hearings on public convenience and necessity and on the individual applications, the Police Commission finds that the number of taxicab permits set in 1984 at 761 shall now be 811 as per Resolution No. 1201-87; and

WHEREAS, Clement V. Angeli appeared at a Public Convenience and Necessity hearing held on Wednesday, March 8, 1989; and

WHEREAS, the Commission determined at a Public Convenience and Necessity hearing on Wednesday, March 8, 1989, based on the records received at that hearing, that clear and convincing evidence supported a finding that public convenience and necessity required the operation of 811 taxi motor vehicle for hire permits; therefore be it

RESOLVED, that Clement V. Angeli appearing before the Commission is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Clement V. Angeli.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 303-89

HEARING ON COMPLAINT FOR REVOCATION OF TAXICAB PERMIT T-0350 HELD BY GURDON L. TAYLOR

WHEREAS, the hearing on the request of the Chief of Police on complaint for revocation of Taxicab Permit T-0350 issued to Gurdon L. Taylor was called, it having been set for this date; and

WHEREAS, the death of Mr. Taylor has been verified by the Permit Section; and

WHEREAS, pursuant to San Francisco Charter Appendix F, Section 1(a), the permit reverts to the City and County of San Francisco upon death of a permit holder; therefore be it

RESOLVED, that it is the findings and decision of the Commission, based on the evidence presented, to revoke Taxicab Permit T-0350 issued to Gurdon L. Taylor.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

HEARING OF APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR OPERATION OF LIMOUSINES

Sergeant Gary Manini advised the Commissioners that this is the annual PC&N Hearing for Limousine and Sightseeing Buses. He said at this point the Permit Unit has received no information that further Limousine or Sightseeing buses are needed. He said they have received no complaints that service have been lacking nor have they received any information that there is over service. He said their recommendation at this time is that no Sightseeing or Limousine Bus Permits be issued. He said it should be noted that in the new Article 16 of the Municipal Police Code that was enacted March 1st of this year that if a person holding a State of California Public Utilities Commission License for Limousine or Sightseeing Bus they may operate within the confines of the City and County of San Francisco and the Department is precluded from licensing them. He said so the Department's recommendation is none. He said he believed an applicant for a Sightseeing bus is present and wished to speak.

Mr. Hugh Buttery said he had been in business in San Francisco for five years and he has had his application in for five years before. He said he has complied with all of the rules and regulations and he lives down in the Marina of San Francisco where there is a real problem for parking and he has a shuttle service. He said he shuttles people from Fort Mason out to Crissy Field. He said he also has a military commitment to the U.S. Army. He then spoke of some of the other trips he makes in and out of San Francisco. He said he is a native San Franciscan and he believes if he is issued a permit after his five years of hard work on the highways and especially in San Francisco as he knows how to get around in San Francisco like nobody else does, he can provide excellent service. He said he would like to have a parking space on Powell Street between Post and Geary opposite the St. Francis Hotel as Mr. Werbe and Greylines have vans, similar to his, park there all the time and he feels he should be entitled to park there also.

Commissioner Giraudo then asked Sergeant Manini to return to the microphone. He said Mr. Buttery's name is under 13 and we called item no. 12. He said now what is the Sergeant asking the Commission not to do? Not to issue any more limousine bus permits under item #12? Sergeant Manini stated yes. Commissioner Nelder said he would make a motion that the Sergeant's recommendations for item #12 be accepted. Commissioner Medina seconded and it was unanimously approved for item #12.

RESOLUTION NO. 304-89

APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE
AND NECESSITY FOR THE OPERATION OF LIMOUSINES -
DENIED

WHEREAS, each of the below-named persons applied to the Police Commission for a declaration by the Commission of Public Convenience and Necessity for the issuance of permits to operate a limousine in the City and County of San Francisco; and

WHEREAS, this matter came on for hearing before the Police Commission of the City and County of San Francisco on Wednesday, March 8, 1989; and

WHEREAS, none of the below-named applicants appeared or sent representatives on their behalf, and

WHEREAS, the law requires that in order for a declaration of public convenience and necessity to be made, the applicants shall have the burden of proof to establish by clear and convincing evidence that public convenience and necessity requires the operation of the vehicle for which permit application is made; and

WHEREAS, existing permit holders are, under normal conditions, adequately serving the public, and

WHEREAS, it is the decision of the Commission to deny additional limousine permits; therefore be it

RESOLVED, that said permits shall be and are hereby denied to the following applicants:

REID, James L.	FILIOUS, Nino
HENKE, Milton W. Jr.	BIRADELLI, Geatano
PHILLIPS, Charles E.	FILIOUS, Joe
PEARCE, Charles W.	UZIEL, Eli
ANZAI, Masayoshi	STREGER, Ivan
FRAYDOUNI, Nasser	BAKIR, Mohammad B.
WEBB, John E.	

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 305-89

APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE
AND NECESSITY FOR THE OPERATION OF SIGHTSEEING BUSES
- DENIED

WHEREAS, each of the below-named persons applied to the Police Commission for a declaration by the Commission of Public Convenience and Necessity for the issuance of permits to operate a sightseeing bus in the City and County of San Francisco; and

WHEREAS, this matter came on for hearing before the Police Commission of the City and County of San Francisco on Wednesday, March 8, 1989; and

WHEREAS, the law requires that in order for a declaration of public convenience and necessity to be made, the applicants shall have the burden of proof to establish by clear and convincing evidence that public convenience and necessity requires the operation of the vehicle for which permit application is made; and

WHEREAS, existing permit holders are, under normal conditions, adequately serving the public, and

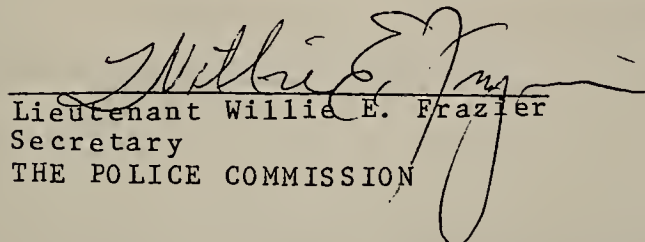
WHEREAS, it is the decision of the Commission to deny additional sightseeing bus permits; therefore be it

RESOLVED, that said permits shall be and are hereby denied to the following applicants:

PRIVETT, Roy L.	SHARABI, Ariel A.
CLUTTON, Robert	BUTTERY, Hugh C.
FELSO, Dennis P.	CALVO, Tony M.
GRIDLEY, Arnold S.	DALPE, Guy R.
EICHLER, Thomas E.	JUNG, Edmund
COLLINS, Thomas J.	

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

The meeting, thereafter, was adjourned at 6:40 PM.


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/rt
W/4880M

Minutes

MARCH 15, 1989

CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street, on Wednesday, March 15, 1989 at 1700 hours in Closed Session.

Commissioner Giraudo presiding.

DOCUMENTS DEPT.

1. Attorney-Client Conference

JUN 27 1989

2. Personnel Matter

SAN FRANCISCO
PUBLIC LIBRARY

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

MARCH 15, 1989

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, March 15, 1989 at 1730 hours in a Regular Meeting.

Commissioner Giraudo presiding.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

APPROVAL OF MINUTES OF MEETING OF DECEMBER 7, 1988

Approval of Minutes of Meeting of December 7, 1988, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 319-89

JAVIER APARICIO-TELLO vs. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Javier Aparicio-Tello in the sum of \$9,500.00 entitled "Javier Aparicio-Tello vs. CCSF" in United States District Court No. C85-8620 WWS as a result of damages sustained, be, and the same is hereby approved.

Dates of Incident: October 13, 1983
January 1, 1984
April 27, 1985

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 320-89

NANCY FADHL vs. CCSF

RESOLVED, that the judgment made by the City Attorney for litigation of Nancy Fadhl in the sum of \$9,490.50 entitled "Nancy Fadhl vs. CCSF" in Court

of Appeals No. C85-2361 for payment of attorney's fees, be, and the same is hereby approved.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 321-89

MARTIN HYSON vs. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Martin Hyson in the amount of \$4,250.00 entitled "Martin Hyson vs. City and County of San Francisco" in Superior Court No. 834-429 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 6, 1984

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 322-89

HAROLD JOHNS vs. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Harold Johns in the sum of \$2,000.00 entitled "Harold Johns vs. City and County of San Francisco" in Superior Court No. 826-295 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 4, 1983

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

POLICE COMMISSION REPORT

Commissioner Giraudo announced that the Police Commission met in Executive Session this evening with the City Attorney on litigation matters and no vote was taken. He said the Commission also met with the Director of OCC on a Personnel Matter and no vote was taken on that matter either. He said on another matter, this evening is Commissioner Gayle Orr-Smith's last Police Commission Meeting and, he said, "I would like to extend the gratitude of the Commission to you for the great effort and work that you have done during the course of your stay with us and to congratulate you on your appointment as a Deputy Mayor and we wish you the best of luck in that new position."

COMMISSIONER ORR-SMITH: "Thank you, thank you very much, it has been a privilege."

COMMISSIONER NELDER: "I am glad that I followed her, I could always know how to vote; I'm kidding."

(a) PUBLIC COMMENTS

Mr. John O'Brien said he was here to ask if the Commission could take from the table the matter of Mr. Earl Thompson and the Puppets.

The Director of the OCC, Mr. Michael Langer, was called upon to respond to that and said that there were four (4) allegations against three (3) officers, two (2) against the sergeant and one (1) each against an officer. He said the first complaint of neglect of duty the finding by the OCC was Proper Conduct and the Unnecessary Force against the Sergeant the finding was unfounded and the Unnecessary Force against the police officers is unfounded and the Unnecessary Force against the second police officer is unfounded.

Mr. O'Brien, having received the explanation of what this all meant, thanked the President of the Commission and congratulated Commissioner Orr-Smith on her appointment as Deputy Mayor.

The next speaker was Mr. Bob Barry of the SFPOA who said he had a couple of comments to make with respect to his tenure here in the SFPD and SFPOA. he said he had been involved with the POA for many, many years and he just wanted to say that everytime he has appeared here it has not been totally pleasurable but for the most part the dealings he has had with the Commission on Meet and Confer items over the years, Meet and Confer items particularly dealing with the Administration, Deputy Chief Casey for one, he felt was done in a very constructive manner. He said there hasn't been a lot of Meet and Confers with the Commission because he thinks they (POA) have been able to resolve their problems at the Administrative level before they get to the Commission level. He said during the time they did meet with the Commission the process was open, it was fair, he was generally satisfied with the Commission in the way it dealt with the Organization. He said it has been a pleasure of his to represent police officers for so many years and he was not going away from the process as he will be back in some involvement with the POA in the years to come and on that note he said he would like to say thank you to the Chief, Deputy Chief, the Administration, the Commission and to all of the members of the Department for their support they have given him throughout the years. He then introduced two (2) members of the SFPOA Executive Board, Vice President Paul Chignell and the incoming President Michael Keys.

The new President of the SFPOA, Michael Keys, then came forth and announced that it was his pleasure to meet the Commission and he was looking forward to working with the Commission and hopefully, he said, his coming before the Commission will not always be for negative reasons.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Frank Jordan said that he had one item and that is he is now in the process of reviewing, since he has been the Chief of Police for the last three (3) years, all sustained excessive force cases that have come to him from the Office of Citizen Complaints. He said preliminarily, he did have figures, but he did want to meet this week with the OCC to be sure that their figures coincide, as it looks like they are in the vicinity of 23 cases and 28 separate individual officers but he did want to confirm all of those. So, he said, they can make a presentation next week to the Police Commission and they will know exactly what the figures are and exactly what the dispositions on each are.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Michael Langer advised that he just had one short item and that is that the statistical report for the year 1988 is complete and has been distributed to the Commission as well as to the Chief and Lieutenant Frazier and he has additional copies that he will make available to the press. He said he would appreciate the opportunity of entertaining any questions the Commissioners may have at next week's meeting.

Commissioner Giraudo advised him that the Commission would read it this week and if they have any questions they will ask Mr. Langer about them next week.

RESOLUTION NO. 313-89

AUTHORIZING ACCEPTANCE OF REWARD FROM U.S. ARMY TO OFFICER PHYLLIS FORD AND SUSAN MONEYHUN, MISSION STATION

RESOLVED, that the Police Commission hereby authorizes Officers Phyllis Ford and Susan Moneyhun, Mission Station, to accept a reward of \$75.00 from the U.S. Army for services rendered on February 13, 1989 in the arrest of a U.S. Army deserter.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

STATUS REPORT ON MEDICAL WAIVER OF TAXICAB APPLICANT WILLIAM D. WELSHANS

Sergeant Gary Manini, of the Taxicab Section, said that in June of last year, Mr. Welshans came up for consideration for the issuance of a taxicab medallion. He said information came to them by virtue of Mr. Welshans' application that he had severe medical problems and in September of last year he requested from the Commission and was granted a six month medical waiver so that he could get his medical problems in order. He said Mr. Welshans was ordered to return this evening in order that his position may be discussed and his status determined. He then called Mr. Welshans up to give testimony of his current health status. Instead of Mr. Welshans coming to speak, his attorney, Mr. Steve Diaz, came forth and said he had for Sergeant Manini this evening, a medical authorization from Dr. Harry Skinner at the University of California indicating that Mr. Welshans is presently physically able to operate the kind of vehicle operated at a City Cab which is where he intends to do business. He said, so, at this time that should clarify his status and their request would be that the Commission vote that he be restored to the list effective 30 days from tonight. Sergeant Gary Manini said that that was his recommendation also and Mr. Welshans would be considered for the next available medallion that comes up at that time.

Commissioner Nelder then asked Mr. Diaz if he could furnish a letter at that particular time from the doctor of Mr. Welshans. Mr. Diaz said the letter from the doctor is effective tonight, however, he said Mr. Welshans, though able to operate a vehicle, is still on crutches and feels

that the additional 30 days would be beneficial both to himself and to the public. Commissioner Nelder then said he would make a motion for approval, Commissioner Lee seconded and it was unanimously approved.

RESOLUTION NO. 314-89

STATUS REPORT ON MEDICAL WAIVER OF TAXICAB APPLICANT
WILLIAM D. WELSHANS

WHEREAS, the hearing on the status report on the medical qualification of taxicab applicant William D. Welshans was called, it having been set for this date; and

WHEREAS, based on Mr. Welshans' doctor's report, he will be medically qualified to operate a taxicab in 30 days; therefore be it

RESOLVED, that Williams D. Welshan shall be restored to the Taxicab Applicants List, provided he is medically qualified, 30 days from this date on April 14, 1989.

AYES: Commissioners Giraudo, Lee, Medina, Nelder,
Orr-Smith

HEARING OF POLICE INSPECTOR FRANK C. McCOY,
INVESTIGATIONS BUREAU - HOMICIDE SECTION

The hearing of the disciplinary charges filed against Police Inspector Frank C. McCoy, Investigations Bureau - Homicide Section, was called it having been set for this date. Police Inspector Frank C. McCoy was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Neglect of Duty (violation of Rule A-9 of General D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Inspector Frank C. McCoy appeared in person and was represented by Mr. James Lassart, Attorney at Law.

An opening statement was made by Mr. John Prentice, Attorney at Law, regarding the Police Commission Duces Tecum Subpoenas.

Response was made by Mr. Michael Gash, Mr. Stephen Bley, Attorney at Law, Mr. Lassart and Ms. Mariam Morley, Deputy City Attorney, providing arguments in this regard.

The following exhibits were entered as items for identification by the Defense:

Exhibit A Police Commission Duces Tecum
Subpoena addressed to Director
Michael Langer, Office of Citizen
Complaints

Exhibit B Police Commission Duces Tecum
Subpoena addressed to Chief Frank
M. Jordan

After listening to arguments pro and con, Police Commissioner Alfred J. Nelder made a motion to continue the matter for three weeks, and the motion was seconded and unanimously approved.

RESOLUTION NO. 315-89

RESOLVED, that the hearing for Police Inspector Frank C. McCoy is continued to Wednesday, April 5, 1989, at 5:30 p.m. in Room 551, Hall of Justice.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF POLICE INSPECTOR MARVIN V. DEAN,
INVESTIGATIONS BUREAU - HOMICIDE SECTION

The hearing of the disciplinary charges filed against Police Inspector Marvin V. Dean, Investigations Bureau - Homicide Section, was called it having been set for this date. Police Inspector Marvin V. Dean was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Neglect of Duty (violation of Rule A-9 of General D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Inspector Marvin V. Dean appeared in person and was represented by Mr. John Prentice, Attorney at Law.

An opening statement was made by Mr. John Prentice regarding the Police Commission Duces Tecum Subpoenas.

Response was made by Mr. Michael Gash, Mr. Stephen Bley, Attorney at Law, Mr. Lassart, Attorney at Law, and Ms. Mariam Morley, Deputy City Attorney, providing arguments in this regard.

The following exhibits were entered as items for identification by the Defense:

Exhibit A Police Commission Duces Tecum
Subpoena addressed to Director
Michael Langer, Office of Citizen
Complaints

Exhibit B Police Commission Duces Tecum
Subpoena addressed to Chief Frank
M. Jordan

After listening to arguments pro and con, Police Commissioner Alfred J. Nelder made a motion to continue the matter for three weeks, and the motion was seconded and unanimously approved.

RESOLUTION NO. 316-89

RESOLVED, that the hearing for Police Inspector Marvin V. Dean is continued to Wednesday, April 5, 1989, at 5:30 p.m. in Room 551, Hall of Justice.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF POLICE INSPECTOR WILLIAM F. KIDD,
INVESTIGATIONS BUREAU - GENERAL WORK SECTION

The hearing of the disciplinary charges filed against Police Inspector William F. Kidd, Investigations Bureau - General Work Section, was called it having been set for this date. Police Inspector William F. Kidd was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Neglect of Duty (violation of Rule A-9 of General D-1 of the San Francisco Police Department);

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Inspector William F. Kidd appeared in person and was represented by Mr. Stephen Bley, Attorney at Law.

An opening statement was made by Mr. John Prentice, Attorney at Law, regarding the Police Commission Duces Tecum Subpoenas.

Response was made by Mr. Michael Gash, Mr. Stephen Bley, Mr. Lassart, Attorney at Law, and Ms. Mariam Morley, Deputy City Attorney, providing arguments in this regard.

The following exhibits were entered as items for identification by the Defense:

Exhibit A Police Commission Duces Tecum
Subpoena addressed to Director
Michael Langer, Office of Citizen
Complaints

Exhibit B Police Commission Duces Tecum
Subpoena addressed to Chief Frank
M. Jordan

After listening to arguments pro and con, Police Commissioner Alfred J. Nelder made a motion to continue the matter for three weeks, and the motion was seconded and unanimously approved.

RESOLUTION NO. 317-89

RESOLVED, that the hearing for Police Inspector William F. Kidd is continued to Wednesday, April 5, 1989, at 5:30 p.m. in Room 551, Hall of Justice.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF POLICE INSPECTOR ANTONIO L. CASILLAS,
INVESTIGATIONS BUREAU - GENERAL WORK SECTION

The hearing of the disciplinary charges filed against Police Inspector Antonio L. Casillas, Investigations Bureau - General Work Section, was called it having been set for this date. Police Inspector Antonio L. Casillas was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Neglect of Duty (violation of Rule A-9 of General D-1 of the San Francisco Police Department);

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Inspector Antonio L. Casillas appeared in person and was represented by Ms. Carole E. Seliger, Attorney at Law.

An opening statement was made by Mr. John Prentice, Attorney at Law, regarding the Police Commission Duces Tecum Subpoenas.

Response was made by Mr. Michael Gash, Mr. Stephen Bley, Attorney at Law, Mr. Lassart, Attorney at Law, and Ms. Mariam Morley, Deputy City Attorney, providing arguments in this regard.

The following exhibits were entered as items for identification by the Defense:

Exhibit A Police Commission Duces Tecum
Subpoena addressed to Director
Michael Langer, Office of Citizen
Complaints

Exhibit B Police Commission Duces Tecum
Subpoena addressed to Chief Frank
M. Jordan

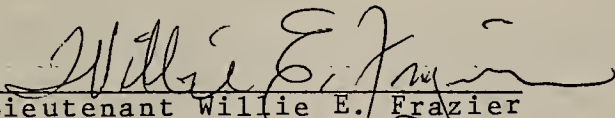
After listening to arguments pro and con, Police Commissioner Alfred J. Nelder made a motion to continue the matter for three weeks, and the motion was seconded and unanimously approved.

RESOLUTION NO. 317-89

RESOLVED, that the hearing for Police Inspector Antonio L. Casillas is continued to Wednesday, April 5, 1989, at 5:30 p.m. in Room 551, Hall of Justice.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

The meeting, thereafter, was adjourned at 6:50 p.m.


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/rt
W/4895M

MARCH 22, 1989

CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Wednesday, March 22, 1989 at 1700 hours in Closed Session.

DOCUMENTS DEPT.

Commissioner Giraudo presiding.

JUL 17 1989

SAN FRANCISCO
PUBLIC LIBRARY

1. Attorney-Client Conference

AYES: Commissioners Giraudo, Lee, Medina, Nelder

MARCH 22, 1989

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, March 22, 1989 at 1730 hours in a Regular Meeting.

Commissioner Giraudo presiding.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

APPROVAL OF MINUTES OF MEETING OF DECEMBER 14, 1988

Approval of Minutes of Meeting of December 14, 1988, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 327-89

GEORGE ARAGON vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of George Aragon in the sum of \$10,000 in U.S. District Court No. C87-2841 SC entitled "George Aragon vs. City and County of San Francisco" as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 20, 1986

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 328-89

KATHERINE JAMES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Katherine James in the sum of \$500.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 15, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 329-89

BUDGET RENT-A-CAR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Budget Rent-A-Car in the sum of \$172.54 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 9, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 330-89

CITY TOW (DAVID BAXTER)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (David Baxter) in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 7, 1987

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 331-89

ELIZABETH CHRISTENSEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Elizabeth Christensen in the sum of \$150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 13, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 332-89

LORENE SANCHEZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lorene Sanchez in the sum of \$140.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 6, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 333-89

MICHAEL MARKS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael Marks in the sum of \$125.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 21, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 334-89

CHRISTOPHER VICENCIO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Christopher Vicencio in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 25, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 335-89

JACQUELINE CHERRY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jacqueline Cherry in the sum of \$115.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 4, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 336-89

MAUREEN O'KEEFE

RESOLVED, that the recommendation of the City Attorney of the settlement of the claim of Maureen O'Keefe in the sum of \$102.50 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 11, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 337-89

JEANETTE J. MARTINEZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jeanette J. Martinez in the sum of \$102.50 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 4, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 338-89

ANDRE HUNT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Andre Hunt in the sum of \$102.50 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 16, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 339-89

JOHN R. DURNELL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John R. Durnell in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 28, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 340-89

REID KEVIN LOUIE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Reid Kevin Louie in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 7, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 341-89

WILLIAM LAWRENCE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of William Lawrence in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 30, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 342-89

GERALD R. MASAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gerald R. Masan in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 21, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 343-89

STEVEN WARD ROBINSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Steven Ward Robinson in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 10, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 344-89

CLARICE J. TURNER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Clarice J. Turner in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 9, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 345-89

COREY SIENEGA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Corey Sienega in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 2, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 346-89

CITY TOW (KENNETH MALEY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Kenneth Maley) in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 25, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 347-89

JOSE RAMIREZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jose Ramirez in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 9, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 348-89

LARRY J. POLLITT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Larry J. Pollitt in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 21, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 349-89

SUI XIA PENG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sui Xia Peng in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 1, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 350-89

BRIAN KELLEHER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Brian Kelleher in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 8, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 351-89

FRANK ISZAK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Frank Iszak in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 5, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 352-89

JOHN COSTELLO (AVIS RENT A CAR SYSTEM)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John Costello (Avis Rent a Car System)) in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 29, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 353-89

JOHN BIASETTI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John Biasetti in the sum of \$90.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 1, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 354-89

MRS. M. McCARTHY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mrs. M. McCarthy in the sum of \$84.85 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 11 or 12, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 355-89

MARIE L. CASSIDY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Marie L. Cassidy in the sum of \$80.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 11, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 356-89

EVON BALLASH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Evon Ballash in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 14, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 357-89

DAVID HERNANDEZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David Hernandez in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: Unstated

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 358-89

LINDA ELKIN

RESOLVED, that the recommendation of the City Attorney of the settlement of the claim of Linda Elkin in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 11, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 359-89

OWEN D. CONLEY, JR.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Owen D. Conley, Jr. in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 8, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 360-89

LISA CHRISTENSEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lisa Christensen in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 16, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 361-89

ASHIS MUKHOPADHYAY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ashis Mukhopadhyay in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 23, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 362-89

MARLYS E. PUBOLS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Marlys E. Pubols in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 13, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 363-89

JUANA RODRIGUEZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Juana Rodriguez in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 4, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 364-89

RENEE C. WILLIAMS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Renee C. Williams in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 9, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 365-89

ROBERT J. O'GROMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert J. O'Groman in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 27, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 366-89

LILLIAN MALTEZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lillian Maltez in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 4, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 367-89

CARLOS LIMA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Carlos Lima in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 26, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 368-89

DIANE WOOD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Diane Wood in the sum of \$75.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 15, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 369-89

CHARLES E. STROUD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Charles E. Stroud in the sum of \$60.00 as a result of loss of property, be, and the same is hereby approved.

Date of Incident: March 19, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

HEARING ON APPLICATION OF RICHARD MIRON FOR THE
POSITION OF PATROL SPECIAL OFFICER (CLOSED SESSION)

Mr. Steven Diaz said he was now the Attorney of record for Mr. Miron and with the Commission's permission, this matter has been continued for some period of time on the City's side for necessary reasons. He said Mr. Miron has recently retained him (Diaz) as his attorney and there are certain facts that are necessary to bring before the Commission's deliberation on the matter which are unavailable to him on such short notice. He said if it would be convenient he would request a continuance of two weeks. Commissioner Nelder said he would move approval, Commissioner Lee seconded and it was unanimously approved.

RESOLUTION NO. 325-89

HEARING ON APPLICATION OF RICHARD MIRON FOR THE
POSITION OF PATROL SPECIAL OFFICER

WHEREAS, the date for the hearing on the application of Richard Miron for the position of Patrol Special Officer was called, it having been continued from the meeting of February 22, 1989; and

WHEREAS, it was requested by Mr. Steve Diaz, Attorney at Law representing Mr. Miron, that the date for the hearing on the application of Richard Miron for the position of Patrol Special Officer be continued to April 5, 1989; therefore be it

RESOLVED, that the date for the hearing on the application of Richard Miron for the position of Patrol Special Officer is continued to Wednesday, April 5, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

HEARING OF DISCIPLINARY CHARGES FILED AGAINST POLICE
OFFICER CLINTON COOPER, PROPERTY CONTROL DIVISION

Mr. Michael Gash, Attorney for the Department, said he has received a letter from Officer Cooper's doctor who indicates that the officer has just underwent surgery on his back and apparently will be incapacitated for sometime. Mr. Gash said based on this fact he would suggest that the matter be put over for three (3) months for a status report. Commissioner Nelder said he would make the motion to put it over for ninety (90) days for status report, Commissioner Medina seconded and it was unanimously approved.

RESOLUTION NO. 324-89

HEARING OF POLICE OFFICER CLINTON COOPER, PROPERTY
CONTROL DIVISION

WHEREAS, the date for the hearing of the disciplinary charges filed against Police Officer Clinton Cooper, Property Control Division, was called it having been scheduled for this date; and

WHEREAS, notification was received from Officer Cooper's physician that Officer Cooper was currently hospitalized following surgery and that he was expected to take between three to six months for recovery; therefore be it

RESOLVED, that the date for the status report on the hearing of disciplinary charges filed against Police Officer Clinton Cooper is set for Wednesday, June 21, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

REQUEST OF THE CHIEF OF POLICE FOR A POLICE
COMMISSION RESOLUTION APPROVING A PROPOSAL FOR A
CRIMINAL JUSTICE PLANNING GRANT TO FUND A SENIOR
ESCORT PROJECTED EXPANSION FOR THE ESCORT PATROL

Captain James Arnold addressed the Commission on this item and said the Senior Escort Program has applied for funds from the State of California Office of Criminal Justice Planning to the tune of \$150,000. He said these funds are intended to enhance the escort patrols in the Tenderloin, South of Market Areas, San Francisco General Hospital and Western Addition. He said if approved, specifically, these funds will go for a Patrol Director, a Communication System, which includes 25 radios and a base station, uniforms and OCJP mandated training for the Crime Prevention Workers. He said they are requesting this proposal be approved by the Police Commission so that they may attach that approval with the request for proposal which is due March 31st. Commissioner Medina said he would make a motion to approve, Commissioner Nelder seconded and it was unanimously approved for adoption.

RESOLUTION NO. 326-89

REQUEST OF THE CHIEF FOR A POLICE COMMISSION
RESOLUTION APPROVING A PROPOSAL FOR A CRIMINAL
JUSTICE PLANNING GRANT TO FUND A SENIOR ESCORT
PROJECTED EXPANSION FOR THE ESCORT PATROL

WHEREAS, the Senior Escort Program desires to undertake a project designated "Senior Escort Patrol" to be funded in part from funds made available through the California Community Crime Resistance Program administered by the Office of Criminal Justice Planning (hereafter referred to as OCJP); now, therefore be it

RESOLVED, that the Executive Director of the Senior Escort Program of the San Francisco Police Department is authorized on its behalf to submit the attached proposal to OCJP and is authorized to execute on behalf of the San Francisco Police

Commission the attached Grant Award Agreement including any extensions or amendments thereof; be it further

RESOLVED, that the applicant agrees to provide all matching funds required for said project (including any amendment thereof) under the Program and the funding terms and conditions of OCJP and that the cash match will be appropriated as required.

IT IS AGREED that any liability arising out of the performance of this Grant Award Agreement, including civil court actions for damages, shall be the responsibility of the grant recipient and the authorizing agency. The State of California and OCJP disclaim responsibility for any such liability; be it further

RESOLVED, that grand funds received hereunder shall not be used to supplant expenditures controlled by this body.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL OF A
SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF
\$811,297.00 TO CONTINUE THE SPECIAL OPERATIONS
BUREAU NARCOTICS TASK FORCE IN FISCAL YEAR 1989-90

Captain Tim Hettrich, in addressing this matter, said the budget basically entails two (2) major items which are for vehicles and overtime. He said the vehicles are to replace 32 vehicles that are used now by the Task Force and also by the Administrative Narcotics Unit and the overtime would be used to carry on investigations into the area of Crack Cocaine. He said the total budget is \$811,297.00 and they are requesting that that be approved by the Commission for submission to the Board of Supervisors and the Mayor's Office. Commissioner Nelder said this has been a very effective program and its one that is designed to combat the Crack problem. He said he would move approval, Commissioner Lee seconded and it was unanimously approved.

RESOLUTION NO. 323-89

REQUEST OF THE CHIEF FOR APPROVAL OF A SUPPLEMENTAL
APPROPRIATION AMOUNTING TO \$811,297 TO CONTINUE THE
SPECIAL OPERATIONS BUREAU NARCOTICS TASK FORCE IN
FISCAL YEAR 1989-90

RESOLVED, that the Police Commission hereby approves a request for the appropriation of \$811,297 from the Narcotics Forfeiture Fund to continue funding of the Special Operations Bureau Narcotics Task Force in Fiscal Year 1989-90.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

POLICE COMMISSION REPORT

Commissioner Giraudo announced that the Police Commission met in Executive Session this evening on a Personnel Matter and no vote was taken.

(a) PUBLIC COMMENTS

Ms. Julie Balangue, who said she lives in the Potrero District also said that last night her home was invaded by over a dozen officers that broke into her home, broke her guard rail, maced her children and her grandchildren, knocked them down, hit her, (Balangue) called them all vile and dirty names all because her niece went to park her car with Balangue's adult son inside the car also. Balangue continued by saying that an officer pulled up while her niece was backing down the street. She said the officer jumped out of his vehicle and he grabbed them. She said the officer maced them and he hit them and her niece ran out screaming. She said she went outside to find out what was wrong and she got maced also. She said she asked why were they doing this and that she would take it up with the Police Commission and the officers told her that Chief Jordan was going to take care of all of this, that he will back us up on all of this. She said she had with her a hospital report on a one year old baby that is going to be admitted to the hospital because she got maced in the face. She said her grandson was knocked down with her son and she was hit in the chest and she was called a bunch of filthy, dirty names. She said her son had to go to jail and he was only a passenger in his own car but they gave him a ticket for driving without a license. She then said to the Commissioners that this is their Police Force with Jordan backing them up that she blamed him and that he is responsible for them. She said they are all running loose down there in Potrero Police Station and they are their own men, they are their own guardian angels.

Commissioner Giraudo asked her if she had filed a complaint with the Office of Citizens Complaints and she answered yes. He then told her that the Commission would get a report from them. He said the OCC will investigate it and if what she is telling the Commission tonight is true then the complaint will be sustained. He said he wished there was something that he could do to ease her concern but the only thing he could tell her is that if she has lodged her complaint with the OCC that they will thoroughly investigate it.

Ms. Dianna Bullock, Attorney with the National Lawyers Guild, came forth and said she was here to present a complaint to the Commission. She said it is about what happened at the Demonstration in front of the Federal Building on Monday. She then read her complaint to the Commission: "On Monday, March 20th 1989, I attended a demonstration at the Federal Building as a legal observer for the National Lawyers Guild. At 8:35 AM, I was standing on the sidewalk next to the State Building on the corner of Polk and Golden Gate. At this time I was taking notes in a notebook. I was also wearing a bright green arm band which has traditionally been identified with an NLG Legal Observer. I observed a group of men who had been on the outskirts of the demonstration begin to grab individuals in the crowd wrestling them to the ground. As this occurred, the crowd began to panic and I was jostled from behind. I fell forward, slightly and as I straightened and looked up, I was sprayed directly into my eyes and throat and down my right arm by a man wearing a white baseball hat and a blue down vest. This person has been identified by KTVU News Footage and other witnesses as an undercover SF Police Department officer, last name is La Prevotte." She

said that's her complaint. She said she wanted to bring to the Commission's attention two things, one, what was the undercover police officers doing there? She said she thinks that, one, having undercover police at a demonstration is extremely provocative, it caused panic, people were not aware that they were dealing with police officers and addition to that she said, how are they going to hold the police officers accountable if they don't know who they are. She said the second thing is the use of mace. She said in this instance the mace was directed in her eyes. She said she was just standing there observing. It seems, she said, that the purpose of using the mace at this demonstration was to prevent people from being able to observe what was going on.

Mr. John Crew, ACLU, said he was originally going to speak tonight only about the OCC Statistical Report during the Director's report but this afternoon Mayor Agnos issued a statement at a Press Conference directing some comments at the ACLU and he felt he must respond. He said the ACLU views it as very unfortunate before any investigation has even begun on allegations of misconduct that the Mayor would be making these kinds of statements. In his statement, Mr. Crew said of the Mayor, the Mayor states quite correctly that most of the demonstrators involved in this event were in fact peaceful and a few were violent. He said he was sure the Commission will see considerable evidence tonight in terms of broken helmets or other trash that was collected from those individuals, the few, that did engage in violent activity. He said but he thinks the same analysis must be applied to the police department as well if they are going to be fair about this he thinks they have to be fair and say that there were officers, probably percentage wise, a few that did engage in misconduct and the response to those allegations from the Mayor's Office has been to call it slander, slander for people to speak publicly in concern about this issue in which the Commission knows has been an on-going problem in San Francisco for a number of years. He said the ACLU is merely asking that this Department and all officers particularly those few that do cause problems be held accountable to the Commission's Policies. And, he said, specifically that police officers, while it is a difficult task in a demonstration, distinguish between those who are causing violence or are breaking the law and those who are lawfully exercising their First Amendment Rights or those who are merely taking notes about what they observe or the Media. He said that is a fundamental distinction that is going to have safe and lawful and effective crowd control. He said we can have wonderful policies but they must be enforced.

Mr. Kim Malcheski, Attorney, said that he was also a legal observer at the demonstration outside the Federal Building on Monday morning for approximately one hour from 7:45 a.m. to 8:45 a.m. and during that one hour period he witnessed a number of incidents of misconduct by police officers. He said on one occasion he observed a sergeant whose number is 41 go outside the barricades and swing his 3 foot long baton in a wild fashion over his head at demonstrators were hit, he said, but it was only because the demonstrators were quick enough to move out of his way. He said immediately at that same time in the same area another officer, #1696, grabbed a demonstrator by

his hair and tried to pull him back over the barricades. He said he saw a number of undercover officers who he knew because he sees them in court quite often and he saw them go into intersection and start attacking people. He said he also saw Officer Rene La Prevotte who is captured in a photo on the front cover of yesterday's Chronicle macing a number of people. He said this is the same officer, although he did witness it, who maced Dianna Bullock. He said he thinks it is obvious from recent events that certain officers on the street seem to think that they have carte blanche to do whatever they want at demonstrations. He said he thinks this Commission, with the exception of Jose Medina, and also the Mayor of this city and the Chief of this Department are responsible for what happened on Monday morning because this Commission's decision not to discipline the officer who beat up Dolores Huerta, who beat up Monique Doryland and beat up Rita Hines sent a clear message to the officers on the street that they can beat up people with impunity and they have seen that happen twice since the Commission's decision. He said the question is, is this Police Commission, is this Department, and is this city going to take effective action to prevent this kind of police misconduct on the streets of San Francisco so citizens can demonstrate and exercise their First Amendment Rights?

Ms. Bobbie Stein, Attorney and member of the National Lawyers Guild. She said, she, as one who participated in the reformation of the Crowd Control Procedures for the SFPD and actually participated in the development of a new General Order to embody these new Crowd Control Procedures actually met with members of the Police Department to do that, she finds the actions of the police officers in the course of the last few weeks at the demonstrations to be particularly abhorrent and incredibly disheartening. She said she would like to know what the new policy is for undercover officers at demonstrations and she would like to know what the new policy is that condones macing Legal Observers. She said it appears as though in the wake of this Commission's decision not to hold a disciplinary hearing for the officer responsible for beating Dolores Huerta there is a new wave of police misconduct. She said it seems that a clear message was sent to members of the Police Department that they will not be held accountable for their actions. She said she just hopes that this Commission can do something to reverse this very dangerous trend.

Mr. Peter Mezey, member of the Bar Association of San Francisco and Chairman of the Bar Association Committee on oversight of the Office of Citizens Complaints. He said the Bar Association at its Board meeting this noon adopted certain resolutions having to do with the operation of the OCC. He said the Board noted that in the recent incident involving Dolores Huerta that there was certain aspects of the handling of that matter that were worthy of commendation but there were other aspects of it which give them great pause as to whether or not the OCC has been and can be effective. He said he wishes to commend the Bar Association and its Resolution. He said the Bar Association has commended the OCC and its Director, Michael Langer, for its willingness in a very highly charged situation to make a finding of misconduct by a certain Police Officer and perhaps other police

officers as well, although the Bar Association takes no position on the merits of such findings since it has made no investigation and has no knowledge. He said but the Bar Association also wishes to urge this Commission, and then he read into the record: "The Bar Association does hereby recommend that the Police Commission adopt a General Order to the effect that when the OCC makes a finding and recommendation in which the Chief of Police does not concur that the Commission as the governing body to which both the OCC and the Chief independently report, resolve the conflict by thoroughly reviewing all the evidence in a disciplinary hearing." He said in other words what they are saying is that the Commission has been placed by recent action in a most difficult position, a politically highly charged situation, in which it felt that it could not investigate what the OCC had found and which it had supported apparently with substantial evidence and it found that because of certain pressure that was put upon it, it could not make that investigation.

Commissioner Giraudo said he would disagree with Mr. Mezey and say that members of the Commission did not investigate but sat for three hours with the Chief of Police and then later with the Director of the OCC and heard what it was that brought both of them to their decisions and they, the Commission, made an informed judgement therefrom. He said so the Commission was informed, they were not blindly hearkening to any political pressure to any particular group. He said that, Mr. Mezey, was an unfair statement..

Mr. Mezey then said that he would like to suggest, and the Bar Association would like to urge, that if the Commission adopt a General Order which would require that the Commission look into matters when there has been a disagreement between the Commission and the Chief it would make the Commission's life a little easier.

Commissioner Giraudo advised Mr. Mezey that he did not disagree with him as it would make the Commission's life much easier but he thinks a Charter Amendment might be needed to resolve the issue. He said the Commission had City Attorney advice to guide them in the process and procedure that they followed and he did not think it is as simple as the Commission passing a Resolution to say that in the future anything that comes forward, the Commission will hold a disciplinary hearing. Thereafter, Commissioner Nelder and Mr. Mezey engaged in a discussion on the fringe area and hypothesis of the case.

Commissioner Medina said that if the Commission is going to get into a discussion of the case, he would rather hear the full case if they are going to get into it at all. But since they don't have that opportunity to do so, whether it requires a Charter Amendment or a General Order that is something that he is prepared to follow-up on because he thinks in cases where there is a difference of opinion between the Chief's Investigation and the OCC's Investigation that the Police Commission should be the ultimate authority in resolving that type of situation.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Frank Jordan said he had two items. First, he had to pay particular attention to was one of the comments the first lady made under Public Comments speaking about alleged assaults out in the Potrero by San Francisco Police Officers that they could go out and do anything they wanted and wouldn't be held accountable and he wanted to assure the Commission and the public and anyone else here that that is not the case. He said police officers have to act in a professional manner and their conduct has to be above that of the average citizen because that is what everybody expects it to be but they will do the right thing. He said he just want to give the Commission a quick summary to indicate that you should believe facts speak much better than an awful lot of statements that have not been investigated as you know there is always two sides to every story. He said he wanted to give the sole opportunity for the OCC to investigate the allegations the Commission has heard tonight. He said just so the Commission can see at least that the Department is not sitting here with one blind eye and doing nothing about discipline in the SFPD. He said at least interms of his supervision for the last three and a half years he has been Chief of Police he has administered all kinds of discipline to members of the Department. He said what he would like to do is just read some into the record and copies will be sent to the Commission to verify all of this. He said just as an example in 1985, prior to fact of him becoming Chief, the Department was averaging cases that were being sent to Management Control for investigation by the Chief at that time 67 cases. He said in 1988, last year, in his situation, it has gone up to 123 cases that he has asked the Management Control to investigate which is an 83% increase in following-up investigations. He said and discipline imposed by the Chief in 1985 just prior to his taking over, the Department had 210 cases. In 1988, he said, 315 cases which shows a 50% increase. He continued by saying that the OCC investigations referred to the Chief total 108 cases and 11 of those 108 have been dismissed by him as unfounded, insufficient evidence, or proper conduct and another 11 were returned to the OCC for additional investigation. The OCC investigations regarding excessive force referred to the Chief were 32 total cases, 2 dismissed for insufficient evidence or proper conduct, 4 cases were referred back to the OCC for additional investigation, which means to him that it could be 30 out of 32 cases that could possibly be sustained. He said so he did not see that as running contrary to the OCC or doing something that they feel they are not on the same wave length and giving support to the OCC. He said the discipline is there, the record speaks for itself and he will stand behind it. He said he would not get into the second phase and that is the issue of the demonstration on Monday morning. He said he feels that the SFPD through some of the speakers has been painted as the aggressor and the oppressor and a number of other negative situations here. He said if one takes a look at some of the things that happened the police were painted but they were painted with red paint that were thrown at them with balloons and by condoms and by people who were outside agitators and who were controlled by no one. He said the Department made every effort and attempt during the week to meet with every faction that tried to have this demonstration. He said the flyers that were out first, "National Call to Action", he said Department members tried the three

listed phone numbers there and they tried a number of different ways to contact people, sometimes they listened to tape recorded messages, other times they talked to people who told the Department they knew nothing about the demonstration because the Department members identified themselves as police officers. He said they were trying to make contact, to meet with them to see if they could set up some sort of control parameters of what they knew, where they might demonstrate so that the traffic may be kept flowing for other people who might want to get to work, who the monitors might be so that they could have some sense of control of those who might come in as outside agitators. He said the Department was unable to meet with them. He said they actually went as far as going to a second protest demonstration that happened two days prior to the Monday Demonstration at the Federal Building and this was one out at Dolores Park that marched to the Federal Building, a March and Rally and a SFPD Commander was sent to talk to the leaders of this demonstration and none had information about the Monday demonstration and yet, he said, ironically, they were all there on the Monday Demonstration. He said they broadcast that they planned civil disobedience all week long for this demonstration and in such cases the Department has to expect the worse. He said there was an element of about 10% of the demonstrators appearing as though they were trying to incite a riot. He then displayed to the Commission some of the paraphernalia that the demonstrators used such as helmets, all kinds of extra padding and scarfs and sticks and dows that were used with the paint and the balloons to cause and disrupt not only inside the demonstration to try and incite a riot but also to cause the SFPD a great deal of trouble. He said the SFPD was very, very conscious of this and that is why the police officers were there in plain clothes to weed out some of those trouble makers who even the demonstrators themselves who were trying to peacefully demonstrate could not control. He said that is something that the Department does as a normal operating procedure when they have difficulty meeting with people finding out whether there are monitors on line and the Department will do this everytime through its Event Management Manual. He said the question came up as to what other departments use plainclothes officers as SFPD did on Monday and having just done a quick preliminary evaluation about an hour ago and checking with a few departments, he found out that the Oakland PD uses plainclothes officers in the same capacity, as also the LAPD when they have situations as the SFPD had. He said of course, chemical mace was used and the officers did not have stars as this ID would have negated the effect of their infiltration into the crowd. He said the mace was used twice as he knows of, one, at Golden Gate and Polk where a motorcycle officer was trying to direct traffic and a bonfire and sit-in was taking place at the same time and the officer was knocked off of his motorcycle. He said the officers came over to assist him and used mace. He said the other time was on the down ramp of the Polk Street side of the Federal Building was being used and individuals from the crowd of demonstrators blocked off the entrance. He said the Department was allowing people who had credentials, workers, in the Federal Building to have access to go down the down ramp to get into the building. He said in doing so the demonstrators had some mesh wiring that they encased and blocked the whole entrance with and anyone who went through there as a civilian had

every right to be there and they were encased in this wire mesh and the officers used chemical mace rather than a baton at that time. Those are the two incidents, he said, that he was aware of and he said he feels those were very appropriate uses of mace and he makes no excuse for either one of them or no apologies for them. He then began to display more of the paraphernalia that were used by the demonstrators on Monday morning. Some of the items: A Tactical Officer's Helmet Shield that was split into by a demonstrators club, red paint, padding used to taunt officers and then defend against blows that may come their way. He said they were also spitting at the officers in hopes that they would over react. He then showed some elbow pads, mask, dows, sticks. He then showed an object which he likened to the Roman Gladiator days taken from a demonstrator.

After further discussion, Commissioner Medina asked the Chief for a further breakdown of the statistics regarding OCC complaints he had earlier given by him or the Police Commission. Some of the cases were still to be heard by the Police Commission. Commissioner Medina then said that in regard to the Chief's second part of his report credit should be given where credit is due and that the Chief should be commended for doing a good job on Monday as he (Commission Medina) certainly did not condone violence or disruptive conduct during these demonstrations on either side but at the same time even in the best of circumstances he felt that any reported incidences of officers misconduct should be investigated and apparently that is the case here.

Commissioner Nelder said that he had a question. Evidently as Commissioner Medina said, this has been very thorough and you were at the scene, Commissioner Giraudo, and the Mayor is aware of all of these facts and yet it came to my attention that one of the members of the Board of Supervisors wants the Chief to appear at the Board of Supervisors is that correct?

CHIEF JORDAN: "Yes, that is correct, Commissioner, I have had a request from Supervisor Terrence Hallinan to appear before the full Board of Supervisors next Monday afternoon to have a discussion on the incidents that took place and the police conduct in terms of issues like the use of plainclothes officers and the use of chemical mace and how we were unable to contact some of the demonstrating groups before hand. The plan now is to have me appear before the full Board of Supervisors."

COMMISSIONER NELDER: "I have no objection to that because evidently from your explanation here I think maybe it would be very edifying and educational to the Board of Supervisors but the thing that problems me I guess is that I was on the Board of Supervisors and we did not have the right to call a Department Head before the Board to explore the operations of a department unless it was agendized and Public Hearings were before a Committee Hearing so forth and so on and I just wonder about the legality of you having two masters or even three for that matter because technically I think you are under the Mayor, the authority of the Mayor, the Police Department is under the authority of the Mayor, we are here by virtue of the appointment of the Mayor, we are here to oversee

your conduct. And I just wonder whether or not you can respond to one boss so to speak and Mr. Chairman, fellow Commissioners, if you agree, I would suggest that we get an opinion from the City Attorney as to the legality or illegality of the Board of Supervisors summoning the Department Head or a member of a given Department before them without being on the agenda for purposes of pursuing legislation."

COMMISSIONER GIRAUDO: "Did he explain his purpose for inviting you to this meeting or whatever?"

CHIEF JORDAN: "No, I talked to him today in a Finance Committee meeting and on another issue and his statement to me that it is now going to be more informational fact finding request rather than a confrontational one."

COMMISSIONER GIRAUDO: "Then Commissioner Nelder you would like what, so that I understand it?"

COMMISSIONER NELDER: "I think we should get a clarification as to whether or not a member of the Board of Supervisors has the authority to simply summon a Department Head predicated upon some course of action that occurred in the Police Department. I agree that there should be a method of inquiry but there should be a formal procedure such as Committee Hearings, matters should be placed on the agenda but I think that the Chief gave a full and complete analysis here of what he observed, you were at the scene Commissioner Medina commended him for the course of action that they have taken. Now I just wonder about an individual can he tolerate that sort of thing? And if the Board of Supervisors is going to summoning Department Heads such as the Chief of Police, I think we should know about it. I think that we should know whether our authority is bifurcated or diluted. I thought that we were responsible for the Chief's conduct."

COMMISSIONER GIRAUDO: "Alright, any other Commissioners wish to speak to that at all?"

COMMISSIONER LEE: "Did we receive any letter from the Board of Supervisors?"

COMMISSIONER GIRAUDO: "No. I just heard about it earlier today, it was on today's news where Supervisor Hallinan was looking for...."

COMMISSIONER LEE: "Well, I will support Commissioner Nelder's idea to get the City Attorney's Opinion and see what happens."

COMMISSIONER GIRAUDO: "Well, you want an opinion as to whether the Board of Supervisors has the authority to summon the Chief of Police for the purpose of discussing the incidences on Monday."

COMMISSIONER NELDER: "Well, in this case but in any course of action. I mean who knows what might come up the following week, it might be traffic, it could be anything. I think that Commissioner Lee makes a point, I think that if there were some kind of a courtesy where the Board Member sent the letter to you, the President asking the Commission to send the Chief up, but I think just to arbitrarily say I am going to have the Chief here next Monday and I was on the Board of Supervisors we couldn't do that maybe the laws have been changed and I would like to find out."

COMMISSIONER GIRAUDO: "I don't think we need a motion, I think we simply have to instruct the Lieutenant to contact."

COMMISSIONER NELDER: "I think it should be in the form of a motion because if there is a Commissioner or Commissioners that don't want to do this it's perfectly alright with me."

COMMISSIONER GIRAUDO: "Alright, I apologize. Did you want to make a motion?"

COMMISSIONER NELDER: "It is a motion."

COMMISSIONER LEE: "Second the motion."

COMMISSIONER GIRAUDO: "All those in favor?"

AYES: Commissioners Medina, Lee, Nelder, Giraudo

COMMISSIONER GIRAUDO: "Then, Lieutenant, tomorrow morning first thing would you please contact, I suppose it would be appropriate, Burk Delventhal, pose the question to him and tell him we would like an opinion forthwith and not two months later, OK?"

COMMISSIONER NELDER: "But I would like to make an addendum, Mr. President and I have no objection to this Chief, very articulate and very explanatory, going up and telling them what exactly he told us tonight. Because I think sometime shooting from the hip and shooting from the lip is bad and maybe this would be very educational and very edifying."

COMMISSIONER GIRAUDO: "I would urge you, Chief, to find out from Supervisor Hallinan what it is that he is seeking and what he expects to take place and if not Supervisor Britt who is the President of the Board who I assume would be presiding."

COMMISSIONER NELDER: "I think that you should also notify the Mayor because technically these Departments particularly the police department which we are talking about now is under the jurisdiction of the Mayor and not the Board of Supervisors. There are certain Departments that are under the City's Chief Administrative Officer and under the Mayor, and the Board of Supervisors, to my recollection, is not over any Department."

COMMISSIONER GIRAUDO: "I would like to comment if I might on what the Chief has presented this evening and what transpired on Monday. I, too was an observer. The way I looked at Monday, prior to Monday, I viewed it as a test, I saw it as a test in the sense that the new crowd control policies that were put together by the Department and by the various Community Groups that participated in it were going to be tested and I thought that the wherewithall, the restraint, the patience, the psychics, whatever it is of the police officers were going to be severely tested that day. And I would say that if I were a grader I would give them an A-. I think they did a tremendous job. I have by my own observation the belief that they showed incredible, incredible restraint in many, many, many instances throughout the course of that demonstration and indeed and in fact there were people there who were not interested in exercising their First Amendment Rights but they were there indeed to stir up the pot. To antagonize not only

police officers but demonstrators as well, people who were there for legitimate reason and cause. It is my belief and my personal observation that the police officers that were there behaved above and beyond reproach. Those, that I personally observed. And I, like Commissioner Medina, and the other Commissioners, and the Chief of Police, and his Deputies, and his Command Staff, would hope that if there was misconduct on the part of a police officer that they will be thoroughly investigated, that activity or action. But I think it has to be said, and I think it has to be known, that if one police officer make a mistake, if he was negligent, or if he intentionally did something wrong that does not speak for the other 99 police officers that were out there who exercised tremendous restraint. I saw officers spit upon, I saw officers with paint in their faces, on their clothes, I saw officers hit with sticks, I saw them shoved and I saw them pushed and I saw them comeback at Port Arms, the New Policy, and I saw them not use their batons, striking and hitting and beating. And I saw them put up with a great deal of abuse and by God, I would like to commend them for protecting the First Amendment Rights of everybody that was there. And I would also like to commend them for their efforts and their energies to protect the rights of other citizens of San Francisco who have the right to go to work, who have the right to drive down the street, and who have the right to walk up and down the street and I believe that overall they did an excellent job. And I, as a Commissioner, will bare the objectivity in mind that if anything comes or stems from that demonstration that smacks of misconduct, that it will be viewed in such a way. Thank you very much."

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION


Mr. Michael Langer, OCC Director said he had given the statistical report for the year 1988 to the Commission last week for their perusal. He said he would like to point out that the number of complaints had decreased slightly from about 1500 to 1300 and the number of sustained complaints had increased from 22 to 31 and most dramatically is the fact that the not sustained allegations are decreased from 1011 in 1987 to 599 in 1988. He said he would like to commend his staff for an outstanding job. He said during the fall they hired five (5) new investigators. They completed a basic in-service Investigators Training Course. He said they promoted three (3) investigators to supervisory positions, they have re-organized the OCC, they are in the process of implementing the Pro Bono Hearing Process and ultimately bring cases before the Police Commission so that they can increase the number of hearings.

After further presentation he asked if the Commissioners had any questions. Commissioner Medina said he felt the report was very thorough but he would like to hear some sort of summary in regard to the different types of cases. He said Mr. Langer's report is so thorough that there is a lot of information to extrapolate and he would like some sort of a summary particularly in regard to the use of Unnecessary Force cases that Mr. Langer had. He said the Chief's report covered a three and a half year period and this report is for nine (9) months?

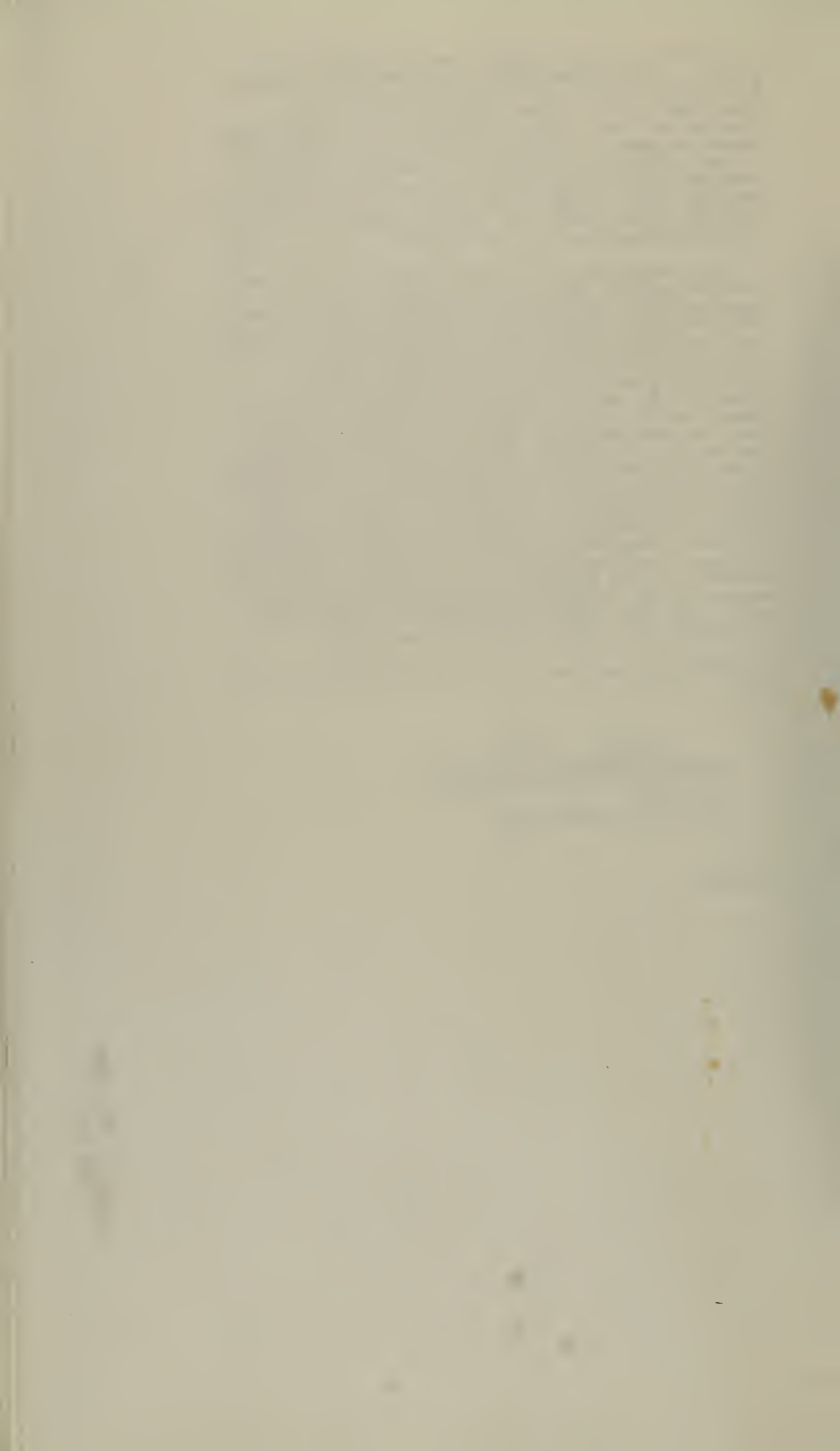
Director Langer said it was for a one year period. Commissioer Medina then asked Mr. Langer by his account what is the situation for use of Unnecessary Force cases that came to the Police Commission. Mr. Langer said that in his Statistical Report on pages 13 and 14 it will give a breakdown of each of those categories. Commissioner Medina said he wondered if by the next Police Commission Meeting if Mr. Langer could give them some sort of a summary of the cases and the dispositions in regard to the information that he has here.

Mr. John Crew said he just wanted to compliment the OCC on this new turnaround memo as the Commission has heard him say before since November of 1986 when the Commission passed General Order L-1 this information has been required and for the first time in conjunction with the Chief's Report it is now finally being given and so they are very pleased. He said he would like to make a friendly suggestion in this new report. He said it does have the date the complaint was sent to the Department and the date of action by the Department for a full picture if OCC could include the date the complaint was filed it would give a better picture of just how long this process is taking. Mr. Crew also went through a statistical analysis of the OCC Complaints and their disposition with some of which were still pending. He then spoke of a disturbing thing in his opinion, in the annual report, which was that there were only six (6) OCC Investigative Hearings last year. He said he would hope that this year that process will be able to get off the ground.

The meeting, thereafter, was adjourned at 7:40 PM.


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/rt
W/4890M



APRIL 5, 1989

CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Wednesday, April 5, 1989 at 1700 hours in Closed Session.

DOCUMENTS DEPT.

Commissioner Giraudo presiding.

JUL 27 1989

1. Attorney-Client Conference.

SAN FRANCISCO
PUBLIC LIBRARY

AYES: Commissioners Giraudo, Lee, Medina, Nelder

APRIL 5, 1989

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, April 5, 1989 at 1730 hours in a Regular Meeting.

Commissioner Giraudo presiding.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

APPROVAL OF MINUTES OF MEETING OF JANUARY 4, 1989

Approval of Minutes of Meeting of January 4, 1989, the Commissioners having received, approved, and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 377-89

STATE FARM INSURANCE (ROSEMARIE ACOSTA)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of State Farm Insurance (Rosemarie Acosta) in the sum of \$2,524.28 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 23, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 378-89

LEE MOORE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lee Moore in the sum of \$1,853.10 as a result of loss of property, be, and the same is hereby approved.

Date of Incident: November 15, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 379-89

VIRGIL CARL ROGERS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Virgil Carl Rogers in the sum of \$500.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 4, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 380-89

CITY TOW (RONALD PHELPS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Ronald Phelps) in the sum of \$415.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 27, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 381-89

CITY TOW (BUDGET RENT-A-CAR, INC.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Budget Rent-A-Car, Inc.) in the sum of \$225.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 6, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 382-89

CITY TOW (SAGARIO ARMANDO)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Sagario Armando) in the sum of \$220.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 27, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 383-89

CITY TOW (DAMON SYKES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Damon Sykes) in the sum of \$215.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 9, 1987

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 384-89

CITY TOW (HELEN RACKLEY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Helen Rackley) in the sum of \$205.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 3, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 385-89

CITY TOW (ERNEST RIVERA)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Ernest Rivera) in the sum of \$205.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 13, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 386-89

CITY TOW (LOBIS BURTON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Lobis Burton) in the sum of \$205.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 20, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 387-89

CITY TOW (J.Y. ROY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (J.Y. Roy) in the sum of \$205.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 6, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 388-89

CITY TOW (ARNULFO GARCIA)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Arnulfo Garcia) in the sum of \$200.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 4, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 389-89

CITY TOW (PATRICIA PATTERSON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Patricia Patterson) in the sum of \$200.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 21, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 390-89

CITY TOW (DENNIS LAWRENCE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Dennis Lawrence) in the sum of \$195.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 16, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 391-89

CITY TOW (CHRISTINE E. DAVIS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Christine E. Davis) in the sum of \$195.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 26, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 392-89

CITY TOW (GERALD GAGE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Gerald Gage) in the sum of \$185.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 20, 1987

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 393-89

CITY TOW (LARRY HUERTA)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Larry Huerta) in the sum of \$185.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 2, 1987

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 394-89

CITY TOW (STEPHEN JAJEH)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Stephen Jajeh) in the sum of \$175.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 17, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 395-89

CITY TOW (JOSEPH VESCO)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Joseph Vesco) in the sum of \$175.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 22, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 396-89

CITY TOW (DOMINIC DUPREE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Dominic Dupree) in the sum of \$175.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 28, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 397-89

CITY TOW (TREY DAVIS CAIN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Trey Davis Cain) in the sum of \$170.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 23, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 398-89

CITY TOW (RUFUS ROY JEFFRIES, III)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Rufus Roy Jeffries, III) in the sum of \$170.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 2, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 399-89

CITY TOW (CAROL ANN ALLEN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Carol Ann Allen) in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 7, 1987

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 400-89

CITY TOW (JANETTE EMERY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Janette Emery) in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 12, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 401-89

CITY TOW (SOZER AKAT)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Sozer Akat) in the sum of \$165.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 28, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 402-89

CITY TOW (EDWARD J. COOPER)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Edward J. Cooper) in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 20, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 403-89

CITY TOW (FRANCESCO CALONICO)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Francesco Calonico) in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 4, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 404-89

CITY TOW (DARIO TRGUERS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Dario Trguers) in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 24, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 405-89

CITY TOW (ROBERT SEELEY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Robert Seeley) in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 24, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 406-89

CITY TOW (JEFFERY NEWELL)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Jeffery Newell) in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 4, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 407-89

CITY TOW (HAIAY AUNG)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Haiay Aung) in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 8, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 408-89

CITY TOW (BOUNKOUANG K. SOMBATH)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Bounkouang K. Sombath) in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 30, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 409-89

CITY TOW (LARRY RANDOLPH)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Larry Randolph) in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 26, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 410-89

CITY TOW (JOHN ROCKWELL)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (John Rockwell) in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 28, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 411-89

CITY TOW (RAMON A. BERMUNDEZ)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Ramon A. Bermundez) in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 23, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 412-89

CITY TOW (MELINDA COOPER)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Melinda Cooper) in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 23, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 413-89

CITY TOW (WILLIAM CONDON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (William Condon) in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 22, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 414-89

CITY TOW (MARTHA KING)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Martha King) in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 11, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 415-89

CITY TOW (CAROLINE E. APPS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Caroline E. Appes) in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 3, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 416-89

CITY TOW (DONALD JUE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Donald Jue) in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 30, 1987

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 417-89

CITY TOW (MARYANN CANTWELL)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Maryann Cantwell) in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 5, 1987

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 418-89

CITY TOW (C. M. YSEGER)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (C. M. Yseger) in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 1, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 419-89

CITY TOW (WILLIAM H. SIMSON, III)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (William H. Simson, III) in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 28, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 420-89

CITY TOW (ALL A. WILLIAM)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (All A. William) in the sum of \$165.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 18, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 421-89

CITY TOW (JUAN ORTEGA)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Juan Ortega) in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 18, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 422-89

CITY TOW (K. H. QUERBEY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (K. H. Querbey) in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 7, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 423-89

CITY TOW (JAMES R. MULHOLLAND)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (James R. Mulholland) in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 30, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 424-89

CITY TOW (KEVIN F. STONUM)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Kevin F. Stonum) in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 15, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 425-89

CITY TOW (FRANCIS A. SCARPULLA)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Francis A. Scarpulla) in the sum of \$165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 6, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 426-89

CITY TOW (JAMES C. SCHETIWIN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (James C. Schetiwin) in the sum of \$160.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 29, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 427-89

CITY TOW (DANIAN DAI)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Danian Dai) in the sum of \$160.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 21, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 428-89

CITY TOW (PAMELAS E. OLTON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Pamelas E. Olton) in the sum of \$160.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 29, 1987

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 429-89

CITY TOW (YAO MING LAO)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Yao Ming Lao) in the sum of \$160.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 26, 1987

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 430-89

MARK J. SDEM

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mark J. Sdem in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 10, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

POLICE COMMISSION REPORT

Commissioner Giraudo announced that the Police Commission met in Executive Session this evening in an Attorney-Client Conference with respect to litigation and no vote was taken.

(a) PUBLIC COMMENTS

No public comments from the audience this evening.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief of Police Frank Jordan advised the Commissioners that there were no additional items to report other than what is currently on tonight's calendar.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Michael Langer, Director of the OCC, said that they had nothing to report tonight.

RESOLUTION NO. 371-89

HEARING OF PATROL SPECIAL OFFICER ALBERT L. ROBLES,
CENTRAL POLICE DISTRICT

The hearing of Patrol Special Officer Albert L. Robles, Central Police District, was called it having been set for this date. Patrol Special Officer Albert L. Robles was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the

department or which reflects discredit upon the department (violation of Section 2.13 of the Rules and Procedures of Patrol Special Officers and Assistant Patrol Special Officers of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Section 2.13 of the Rules and Procedures of Patrol Special Officers and Assistant Patrol Special Officers of the San Francisco Police Department);

SPECIFICATION NO. 3

Failure to answer questions asked by a superior officer truthfully and/or without evasion (violation of Section 2.49 of the Rules and Procedures of Patrol Special Officers and Assistant Patrol Special Officers of the San Francisco Police Department).

and

WHEREAS, Albert L. Robles is no longer a Patrol Special Officer, having sold his beat; therefore be it

RESOLVED, that charges filed against Patrol Special Officer Albert L. Robles, Central Police District, is continued off calendar by order of the Police Commission.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

POLICE COMMISSION DECISION ON MOTION TO THE COMMISSION FOR PRODUCTION OF DOCUMENTS IN THE MATTERS OF INSPECTOR FRANK C. McCOY, STAR NO. 187, ET AL

Mr. John Prentice appearing on behalf of Inspector Marvin Dean, said that since he and his fellow attorneys, Carole Selliger for Inspector Casillas, Steve Bley for Inspector Kidd, James Lassart for Inspector McCoy, last spoke to the Commission, many things had happened to educate them as well as the City Attorney's Office with regard to the particular law involved with due process and discovery. He said Ms. Miriam Morley, Deputy City Attorney, did submit a letter to him and his colleagues, or actually to Mr. Lassart but it was submitted to the Court Judge Vucasian and it was presumed that the Judge reviewed that letter and that letter was some basis of the Judge's decision with regard to not approving their motion for an Order Shortening Time and motion to amend the Pleading. He said he thought at that point as was suggested by Miss Morley, it may be appropriate to continue this matter tonight in order that they may present written argument to this Commission telling the Commission their position with regard to this discovery or evidence, and the reason, he said, he was saying that is they have developed some serious concerns about the proposal that was made, he thinks, in Miss Morley's letter that the Commission review the documents from OCC and make a determination as to whether they should be turned

over to him and his colleagues in the defense of their respective clients. Commissioner Giraudo advised Mr. Prentice that that is what they asked for a couple of weeks ago.

Mr. Prentice acknowledged that that was correct but said some things have happened since then. He said such as the Department submitting to both the Court and to this Commission certain documents that he thinks changes their position with regard to their request. He then held up for the Commission to see a Pleading that was submitted to Judge Vucasian's Department in U.S. District Court with the various attachments. Mr. Prentice said to the Commission that as they could see they were talking about a lot of material, much of which is confidential and that is part of their problem.

Further discussion was undertaken by Mr. Lassart saying that Mr. Gash and the Deputy City Attorney, Ms. Morley, without going before a court under Section 403 of the Evidence Code had violated every concept of confidentiality when they tendered all of their information to the court and the Commissioners.

Commissioner Giraudo advised Mr. Lassart that the Commission had not received any of the so called moving papers and had Lieutenant Frazier poll the Commissioners to officially have it noted that none had not received such documents.

After much further discussion, Commissioner Giraudo said that his inclination is to say that the Commission ask the City Attorney to provide Defense Counsels with a list of documents that they believe are responsive to what they have asked for and that the Commission then in turn have a hearing based upon that list given to them because of their protestation this evening that they are ignorant of what those documents may or may not be, and then Defense Counsels then provide arguments to this Commission as to why those documents should be provided and this Commission take a look at those documents and make a determination based on the materiality and the relevance to the defense of their clients. He said he thinks that is the easiest way to proceed. If the Commission makes that determination this evening, then perhaps Defense Counsel can go to court to stay what the Commission has done. He said it gives Defense Counsel a jumping point and the Commission can take it from there. But, he said, it seems to him that answers it. He said he thinks that's more better placed. He said he would suggest that, with the concurrence of the Commissioners, that the City Attorney's Office be directed to provide co-counsel with a list of the documents in question, that the Commission set April 26, 1989 as a date to come back here to argue why or why not those documents should be produced, that the Commission then in turn for the record review those documents in-camera and make a determination as to whether they should be produced or not. Commissioner Nelder said that he would make that motion, it was seconded by Commissioner Medina and unanimously approved.

Commissioner Giraudo also announced that if Defense Counsel decides not to proceed with the motion on the 26th then the hearing will go forward on May 17th, 24th and 31st and 5th of June and thereafter set whatever special dates that have to be set.

Commissioner Medina then made a motion for setting those dates, Commissioner Lee seconded and it was unanimously approved.

(This entire matter was taken in shorthand form by Linda Pranskey, CSR #2301 and is on file in the Office of the San Francisco Police Commission.)

RESOLUTION NO. 373-89

HEARING OF POLICE INSPECTOR FRANK C. McCOY,
INVESTIGATIONS BUREAU - HOMICIDE SECTION

WHEREAS, the date for the hearing of the disciplinary charges filed against Inspector Frank C. McCoy, Investigations Bureau - Homicide Section, was called it having been scheduled for this date; and

WHEREAS, after listening to the defense attorneys' positions on the legal issues, the hearing was continued to May 17, 1989; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Inspector Frank C. McCoy is continued to Wednesday, May 17, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 374-89

HEARING OF POLICE INSPECTOR MARVIN V. DEAN,
INVESTIGATIONS BUREAU - HOMICIDE SECTION

WHEREAS, the date for the hearing of the disciplinary charges filed against Inspector Marvin V. Dean, Investigations Bureau - Homicide Section, was called it having been scheduled for this date; and

WHEREAS, after listening to the defense attorneys' positions on the legal issues, the hearing was continued to May 17, 1989; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Inspector Marvin V. Dean is continued to Wednesday, May 17, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 375-89

HEARING OF POLICE INSPECTOR WILLIAM F. KIDD,
INVESTIGATIONS BUREAU - GENERAL WORK SECTION

WHEREAS, the date for the hearing of the disciplinary charges filed against Inspector William F. Kidd, Investigations Bureau - General Work Section, was called it having been scheduled for this date; and

WHEREAS, after listening to the defense attorneys' positions on the legal issues, the hearing was continued to May 17, 1989; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Inspector William F. Kidd is continued to Wednesday, May 17, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 376-89

HEARING OF POLICE INSPECTOR ANTONIO L. CASILLAS,
INVESTIGATIONS BUREAU - GENERAL WORK SECTION

WHEREAS, the date for the hearing of the disciplinary charges filed against Inspector Antonio L. Casillas, Investigations Bureau - General Work Section, was called it having been scheduled for this date; and

WHEREAS, after listening to the defense attorneys' positions on the legal issues, the hearing was continued to May 17, 1989; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Inspector Antonio L. Casillas is continued to Wednesday, May 17, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL OF A
SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$59,320
TO PURCHASE, INSTALL AND MAINTAIN 14 FAX MACHINES TO
DEAL WITH THE JAIL OVERCROWDING SITUATION

Deputy Chief Willis Casey said that at the request of the City Attorney's Office, the Department is requesting a Supplemental Appropriation in the amount of \$59,320 to purchase, install and maintain 14 FAX Machines to deal with jail overcrowding situations. He said as the Commission knows the Department is involved with the Consent Decree as to jail overcrowding in the city and a proposition has been made through the City Attorney's Office that is a show of good faith as it were that the Department purchase FAX Machines which would increase the speed in which reports get to the Record Room and the OR Project which in turn will allow prisoners who are going to be released hours earlier. He said so the Department agreed to do this with the City Attorney at the City Attorney's request and it comes before the Commission tonight for its approval.

Commissioner Giraudo said he knows that these machines can be bought cheaper.

Chief Casey said if the Commissioner would like the Department could bring it back next week with a price list as to the cost of each machine.

The matter was then continued for two weeks.

HEARING ON APPLICATION OF RICHARD MIRON FOR THE
POSITION OF PATROL SPECIAL OFFICER

The hearing on the application of Richard Miron for the position of Patrol Special Officer was

called, it having been continued from the meeting of March 22, 1989; and

Lieutenant James Tedesco, Personnel Division, appeared on behalf of the San Francisco Police Department.

Mr. Richard Miron appeared in person and was represented by Mr. Steven Diaz, Attorney at Law.

An opening statement was made by Lieutenant Tedesco for the San Francisco Police Department.

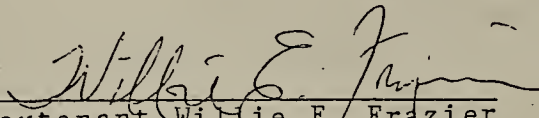
An opening statement was made by Mr. Diaz on behalf of Mr. Richard Miron.

After listening to the facts as presented by Mr. Steven Diaz, the Police Commission felt that more information was required on the part of the Department to be gathered by Lt. Tedesco and then resume hearing with that information.

The hearing was then continued to Wednesday, April 19, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

The meeting, thereafter, was adjourned at 8:15 p.m.


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/rt
W/4908M

APRIL 19, 1989

CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Wednesday, April 19, 1989 at 1700 hours in Closed Session.

Commissioner Giraudo presiding.

1. Attorney-Client Conference
2. Personnel Matter

AYES: Commissioners Giraudo, Lee, Medina, Nelder

DOCUMENTS DEPT.

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APRIL 19, 1989

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, April 19, 1989 at 1730 hours in a Regular Meeting.

Commissioner Giraudo presiding.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

APPROVAL OF MINUTES OF MEETING OF JANUARY 11, 1989

Approval of Minutes of Meeting of January 11, 1989, the Commissioners having received, approved, and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 436-89

FRANCIS LINDH, et al vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Francis Lindh, et al in the sum of \$90,000 in Superior Court No. 836-870 entitled "Francis Lindh, et al vs. City and County of San Francisco, et al" as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 31, 1984

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 437-89

MARIO TORRES vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Mario Torres in the sum of \$7,000.00 in U.S. District Court No. C86-0223 SC entitled "Mario Torres vs. City and County of San Francisco, et al" as a result

of damages sustained, be, and the same is hereby approved.

Date of Incident: April 17, 1984

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 438-89

WEST AMERICAN INSURANCE CO. vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of West American Insurance Co. in the sum of \$5,000 in Municipal Court No. 916-777 entitled "West American Insurance Co. vs. City and County of San Francisco, et al" as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 24, 1985

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 439-89

ALLSTATE INSURANCE (LOUIS ARMSTRONG)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Allstate Insurance (Louis Armstrong) in the sum of \$3,291.76 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 25, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 440-89

ULYSSES GREEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ulysses Green in the sum of \$1,351.32 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 31, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 441-89

CSAA (ELBERT J. KETCHUM)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of CSAA (Elbert J. Ketchum) in the sum of \$1,273.30 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 3, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

MOTORS INSURANCE CORP (GEORGE GREEN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Motors Insurance Corp (George Green) in the sum of \$1,039.28 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 25, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 443-89

DOUGLAS A. BURDICK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Douglas A. Burdick in the sum of \$686.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 8, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 444-89

DANIEL J. KNUTSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Daniel J. Knutson in the sum of \$384.18 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 29, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 445-89

LUPE SOTO HERNANDEZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lupe Soto Hernandez in the sum of \$140.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 11, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 446-89

GAYLE STEPHANIE UMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gayle Stephanie Uman in the sum of \$125.00 as a result of damages sustained due to illegal towing and storage of vehicle, be, and the same is hereby approved.

Date of Incident: November 16, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 447-89

ESTHER KIM

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Esther Kim in the sum of \$125.00 as result of damages sustained due to illegal towing and storage of vehicle, be, and the same is hereby approved.

Date of Incident: November 10, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 448-89

JOHN HAYDEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John Hayden in the sum of \$125.00 as a result of damages sustained due to a faulty tow, be, and the same is hereby approved.

Date of Incident: August 1, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 449-89

PAMELA BRIGGS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Pamela Briggs in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 26, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 450-89

LUIS S. ESTRADA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Luis S. Estrada in the sum of 100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 10, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 451-89

DOUGLAS SMITH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Douglas Smith in the sum of \$125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 15, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 452-89

JAMES ADAMS CALDWELL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James Adams Caldwell in the sum of \$125.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 3, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 453-89

LAWRENCE REDMOND

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lawrence Redmond in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 4, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 454-89

RAFE MAYBON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rafe Maybon in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 18, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 455-89

JOEL A. GRAHAM

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joel A. Graham in the sum of \$90.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 7, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 456-89

JULIE RONKEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Julie Ronken in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 26, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 457-89

ALLEN G. CARR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Allen G. Carr in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 16, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 458-89

TONIA BOYKIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Tonia Boykin in the sum of \$80.00 as a result of an unauthorized tow, be, and the same is hereby approved.

Date of Incident: January 29, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 459-89

BOB RANGER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Bob Ranger in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 5, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

POLICE COMMISSION REPORT

Commissioner Giraudo announced that the Police Commission met in Executive Session this evening on a Personnel Matter and in Attorney-Client Conference and no vote was taken.

Commissioner Medina then said just for the record he wanted to make a statement and that is that he has never engaged in any gratuitous police department bashing and he just wanted to make that clear. He said he has never made any statement that the Department is out of control and as he has stated before and he stated during his vote on the Dolores Huerta matter, he has never questioned either the Chief's integrity nor his ability to run the Department in a professional manner nor has he questioned his competency. He said so he just wanted to make it clear that he has not at anytime engaged in any bashing of the police department. He said he did feel that there are areas for improvement and in fact it has, over the months that he has been here, the Administration has made some changes in certain areas and will continue to do so. He said, so, he just wanted to make that statement for the record.

(a) PUBLIC COMMENTS

No public comments.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan said he did have one item and that is one that occurred this afternoon at the Finance Committee of the Board of Supervisors, the three (3) members, Supervisors Doris Ward, Terrence Hallinan and Nancy Walker have voted to turn down the Narcotic Education Program for the Parochial Schools of San Francisco. 6,000 students with 40 schools involved. He said they believe the issue is one of a Church and State matter, however the Chief said they did have a ruling from the City Attorney's Office of some standing that they used today as well saying they see it as not a Church-State issue. He said so he was not sure where the Department was going to go. He said the Department used \$169,000 of Narcotic Forfeiture Seizure money to start to put this program together and have been working on it since November and they do have the Parochial Schools willing and anxious to participate in the program but as of this afternoon it has been stopped. He said he will attempt to talk to each of the Supervisors to see what else the Department can do to possibly re-instate this as it is a very important program and he was not naive enough to think that the Department don't have problems with the youngsters in the parochial schools as well as the public schools when it comes to drug education classes.

Commissioner Giraudo said when you say 6,000 children there is about 33,000 in parochial schools in San Francisco, what grade levels are you talking about? Chief Jordan said these are the ones that the Department deal with that are pre-teenage they are 4th, 5th and 6th grade children.

Commissioner Nelder said it was ridiculous to start to debate the constitutionality of children when it involves drug use. He said it seems to him that all of the children of San Francisco are our children and if we are going to educate some and not the others we will never defeat this serious problem. He said he certainly hopes that they reconsider their action.

Commissioner Medina said there is also certainly enough case law on point that allows public monies to be given to Catholic Schools and other religious schools when there will be an overall public good and he thought that this was that kind of situation where money going for this type of a program will be for the better good.

Chief Jordan said the Department were pursuing other private schools also and ones that are non-profit such as Montessori and a variety of others that are in San Francisco that also hopefully will be on line with this Narcotic Education Program as well so they are looking at every school child across the board not just public and parochial but all of the private ones as well. Chief Jordan also said the program has been extremely successful and the Superintendent of Schools, Mr. Ramon Cortines, states that it is the one most positive program he has against drug abuse in the schools.

Commissioner Nelder said the Commissioners really agree with this and that is why they approved it and sent it out there because they feel it is absolutely essential that you start with the youngsters of San Francisco and it doesn't make any difference where they go or what school they go to or what church they go to or anything else, they are all our youngsters, they all have to be educated and he was just astounded to think that any City Official would bring up a constitutional issue as it relates to this serious problem. He said he would hope the Chief would ask them to reconsider and if they don't then a Supervisor can call it out before the full Board and he was sure that that would be done.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Michael Langer of the OCC said they had several items and one is that they would like to report that through the State Department they had three (3) visitors from Morocco to the OCC on Monday. Two (2) of them were college professors and one of them was a journalist and they were here at the request of the State Department touring governmental agencies in the United States and they were Human Rights People and were very interested in the OCC Process. He said they were very well received and had a very enjoyable afternoon and they seem to be really knowledgeable. He said what was interesting was they only spoke Arabic and French and brought interpreters with them from Washington. He said the second item is that Commissioner Medina has requested a report in summary form of all of the OCC sustained cases. He said Irene Raposa has prepared it in a summary form and they are now passed out to the Commissioners. He said he would ask that the Commissioners review them and he would be happy to answer any questions the Commission may have next week. He said the 3rd item he has is the update on the OCC Pro Bono Hearing Process with the Bar Association. He said he sent a letter out today inviting them to come in at 3:00 PM to go over all of the ground rules. He said when that is completed they will then bring the names to the Commission for approval and then the names will be published and ultimately they will be able to begin the Pro Bono Process. He said the 4th item is that he has supplied the Commission with the January, February, March overtime report and he also wanted to report that their Icepick presentation to the Staff Director the group that oversees the Computer Utilization in San Francisco and received the presentation that was approved by the Police Commission for \$80,015 has approved it as the OCC received notification on it just this past week. He said they feel the OCC needs are well met by this program and that they should assist the OCC in achieving their objectives.

Mr. Langer then had Mr. Dan Silva, his assistant, give a report to the Commission also. Mr. Silva said that for the first time in the history of the OCC, they have eliminated their backlog. He said they have approximately 250 cases that are assigned to the various eight (8) investigators. He said in 1986, Director Frank Schober came before the Commission with a presentation of the internal workings of the Office of Citizen Complaints. He said the Commission at that time expressed an extreme concern about the

backlog of cases. He said as a result, the OCC created what they refer to as a member response form. He said many complaints that come to the OCC are 647f, drunk in public or infractions where an arrest is not made but there is detention and there is no police report. He said so rather than to call the officer in for an interview they sent a member response form requesting that they submit something very similar to a police incident report stating what occurred and what were their actions. He said this has assisted the OCC greatly in reducing the backlog and allows them to move on cases expeditiously. He said a significant number of members of the SFPD respond to these forms. He said last June, the OCC came before the Commission indicating that they had a number of incidents where the OCC felt they were receiving resistance to their investigations. He said as a result, on July 5, 1988, the Commission created and distributed SF General Order L-1, which stated that it is the policy of the Department that both sworn and non-sworn members cooperate fully with the OCC Staff members in their investigation of Citizen Complaints. He said it states that furthermore, members shall provide full assistance in the expeditious and impartial processing of Citizen Complaints consistent with this Order. He said the OCC Senior Investigators have reported to himself and the Director in the last month that they have had a significant decrease in member response forms. He said members now on even the most trivial matters are requesting interviews. He said the effect of this is going to throw them back into a state where a backlog will be rapidly created. He said posted on the bulletin boards in the Hall of Justice and distributed to all of the stations is a POA Bulletin talking about Candlestick Park Overtime Detail and OCC request for written responses. He said it advises members that they should be aware that they are under no obligation to fill out the forms that OCC has been sending out requesting their written responses to a particular complaint. He said the OCC has checked with the City Attorney's Office and they have advised them that they are well within their rights to ask for the officers' response. He said the OCC would like to request that the Commission issue another bulletin responding to the POA Bulletin informing its members that they are in fact obligated to cooperate.

Chief Jordan said that his response to this is that the Department should be able to resolve it quite rapidly. He said even though it is not a meet and confer issue but that is how he could solve it very rapidly and get some results that is needed here.

Mr. Crew of the ACLU said he was very pleased to hear the Chief say that maybe this could be resolved in a week but given what the OCC has been through, given it took them three (3) years for the General Orders of the Department to reflect the existence of the OCC. He said they would be very concerned if this was allowed to fester for a long period of time. He said the Peace Officers Bill of Rights would not be violated by this system. He said an officer has a right to consult a representative before they respond. Commissioner Medina said he would like to give the Chief a week to see if this could be resolved.

Commissioner Giraudo said if the matter is irresolvable then Mr. Keys, the President of the SFPOA or their representatives should come and tell the Commission what their problem is. He said to the Chief, so the Chief has a week in which to try to work something out and if it is irresolvable in that time he would like for SFPOA representatives to be here at the Commission meeting next week to explain their position.

RECOMMENDATIONS OF THE AWARDS COMMITTEE

Deputy Chief Willis Casey said that on Friday, April 14, 1989, the Awards Committee met and voted to award one (1) gold medal, four (4) silver medals, eleven (11) bronze medals and eleven (11) meritorious conduct awards. He said at this time he would request that the Commission approve this recommendations and allow the awards to be presented on May 10, 1989. Commissioner Nelder then made the motion for approval, Commissioner Lee seconded and it was unanimously approved.

RESOLUTION NO. 431-89

AWARDS GRANTED TO MEMBERS OF THE POLICE DEPARTMENT

WHEREAS, the following named members of the Police Department have been commended for courageous service under the provisions of General Order 0-5, Sections 1-A and 1-C of the San Francisco Police Department, as approved by the Awards Committee on Friday, April 14, 1989; and

WHEREAS, Chief of Police Frank M. Jordan has recommended to the Police Commission that the said members be rewarded under the provisions of Section 8.405(a)(4) of the Charter of the City and County of San Francisco; therefore be it

RESOLVED, that Officer Terry Cottonreader is hereby awarded the Gold Medal of Valor and granted a reward of \$500.00 as provided for under said Section of the Charter; and be it further

RESOLVED, that Sergeant William Davenport, Officer Stephen Gough, Officer Tom P. Lee and Officer George Swartz, be, and they are hereby awarded Silver Medals of Valor and granted rewards of \$300.00 each, as provided for under said Section of the Charter; and be it further

RESOLVED, that Officer Joseph Buono, Officer Lawrence Birch, Officer Peter Dacre, Officer Thomas Heffernan, Officer Keith Lai, Officer James Lewis, Officer Joanne Lozenski, Officer Morris Tabak, *Officer Robert Del Torre and Officer Eugene Yoshii, be, and they are hereby awarded Bronze Medals of Valor and granted rewards of \$150.00 each, as provided for under said Section of the Charter; and be it further

(*Officer received two Bronze Medals and Rewards)

RESOLVED, that Inspector James Bergstrom, Inspector James T. Deely, Inspector Samuel G. Hamilton, Inspector Raymond Hilvert, Inspector Eric Olsen, Inspector Robert Shepherd, Inspector Clifford

Tawney, Officer Richard Alves, Officer Raymond Kilroy, Officer William Langlois and Officer Samuel R. Osbourne, be, and they are hereby awarded Meritorious Conduct Awards and granted a reward of \$150.00 each, as provided for under said Section of the Charter.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

PRESENTATION OF TAXICAB PUBLIC CONVENIENCE AND
NECESSITY REPORT BY PERMIT SECTION

To be continued to Meeting of April 26, 1989.

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL OF A
SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$60,581
TO PURCHASE, INSTALL AND MAINTAIN 14 FAX MACHINES TO
DEAL WITH THE JAIL OVERCROWDING SITUATION

Captain Walter Cullop said that the Department's problem is the Jail Overcrowding and the need to get the police reports from the station to OR and the District Attorney's Investigators in a timely fashion. He said the Department obtained two (2) FAX Machines to run a pilot test about a month ago and some of the results of that test were that while it does cut down the time, it gets to the Records Room, it in fact doubles the amount of labor intensive work that needs to be done at the front end of the processing room. He said Mission Station being a busy station is where they tested as they wanted a busy station to test it. He said if they took that city wide and looked the kinds of problem that will occur they found that the types of FAX Machines the Department has would have not done the job. He then went on to explain the intricate design of propose usage for the machines and backup in case of break downs. He also spoke of the number of different manufacturers of the machines that were talked to and only found three (3) FAX Machines that met the Department requirements and, he said, they were Ricoh Model 75, Hitachi 46 Model, and the Panafex 225 Model. He said the Department is going with the Panafex which is the least expensive of the three.

Commissioner Nelder said he would move approval as it appears to have been a very conscious effort in trying to obtain the best deal. Commissioner Medina seconded and it was unanimously approved.

RESOLUTION NO. 432-89

REQUEST OF THE CHIEF FOR APPROVAL OF A SUPPLEMENTAL
APPROPRIATION IN THE AMOUNT OF \$60,581 TO PURCHASE,
INSTALL AND MAINTAIN 14 FAX MACHINE TO DEAL WITH
JAIL OVERCROWDING SITUATION

RESOLVED, that the Police Commission hereby approves a request for the reappropriation of \$60,581 in surplus salary funds so that 14 FAX machines may be purchased.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 433-89

HEARING ON APPLICATION OF RICHARD MIRON FOR THE
POSITION OF PATROL SPECIAL OFFICER

WHEREAS, the date for the hearing on the application of Richard Miron for the position of Patrol Special Officer was called, it having been continued from the meeting of April 5, 1989; and

WHEREAS, it was requested by Mr. Steve Diaz, Attorney at Law representing Mr. Miron, that the date for the hearing on the application of Richard Miron for the position of Patrol Special Officer be continued to May 3, 1989; therefore be it

RESOLVED, that the date for the hearing on the application of Richard Miron for the position of Patrol Special Officer is continued to Wednesday, May 3, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 434-89

HEARING OF POLICE OFFICER HENRY J. FIKKERS, TARAVAL
STATION

WHEREAS, the date for the hearing of the disciplinary charges filed against Police Officer Henry J. Fikkers, Taraval Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law for the San Francisco Police Department, that the date for the hearing of Officer Henry J. Fikkers be continued to June 14, 1989; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Officer Henry J. Fikkers is continued to Wednesday, June 14, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

HEARING OF POLICE CAPTAIN DONALD A. GOAD, PATROL
DIVISION

The hearing of the disciplinary charges filed against Police Captain Donald A. Goad, Patrol Division, was called it having been set for this date. Captain Donald A. Goad was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency, or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Police Captain Donald A. Goad appeared in person and was represented by Mr. Stephen Whitmore, Attorney at Law.

An opening statement was not made by the Defense nor the Prosecution.

Captain Goad through his attorney, Mr. Stephen Whitmore, plead guilty to the charges.

The following witness was called by the Prosecution, was sworn and testified:

Sergeant William Hardeman, Management Control
Division

The following witness was called by the Defense, was sworn and testified:

Captain Donald A. Goad, Patrol Bureau
Headquarters

Deputy Chief Frank Reed was not sworn but made a statement on behalf of Captain Goad.

Closing statements were not made by Prosecuting nor Defense Attorneys.

The Police Commission unanimously approved and accepted the plea of Captain Goad.

Based on those findings, the Commission requested a recommendation from Chief of Police Frank M. Jordan. It is the recommendation of the Chief of Police that Captain Donald A. Goad be suspended for 90 days and enroll in the Department's D-4 Program.

The Commission took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 435-89

DECISION - HEARING OF POLICE CAPTAIN DONALD A. GOAD,
PATROL DIVISION

WHEREAS, on February 2, 1989, Frank M. Jordan, Chief of Police of the San Francisco Police Department, made and served charges against Captain Donald A. Goad, and

WHEREAS, the Commission having heard the matter, makes the following findings of fact as set forth in the following charges:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency, or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

- (1) At all times herein mentioned, Donald A. Goad, Star No. 648 (hereinafter referred to as "the accused") was and is a Police Captain employed by the San Francisco Police Department and is assigned to the Patrol Bureau - Taraval Station, as the

commanding officer. However, on or about November 11, 1988, the accused was transferred to the Patrol Division;

- (2) As a police captain, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;
- (3) On or about November 11, 1988, at approximately 0830 hours, Officer Henry J. Fikkers, Star No. 1798, who was off-duty, met the accused at a residence in Pacifica. The accused and Officer Fikkers each consumed approximately two (2) alcoholic drinks while at the residence in Pacifica, then left and the accused drove an unmarked department vehicle to his residence in San Mateo;
- (4) On or about November 11, 1988, at approximately 1000 hours, the accused and Officer Fikkers arrived at his residence in San Mateo. At approximately 1045 hours the accused and Officer Fikkers arrived at a bar in Sam Mateo where they each consumed approximately three (3) to five (5) alcoholic beverages;
- (5) On or about November 11, 1988, at approximately 1300 hours, the accused and Officer Fikkers left the bar in the unmarked department vehicle driven by the accused;
- (6) On or about November 11, 1988, at approximately 1315 hours, California Highway Patrol ("CHP") Officer Michael Binion, Star Number 10347, observed the accused driving a vehicle northbound on Highway 101 in an erratic manner. CHP Officer Binion then stopped the vehicle which was driven by the accused on Highway 101 near the Broadway Avenue exit. After the vehicle came to a stop, Officer Fikkers immediately exited the vehicle, staggered toward CHP Officer Binion and presented CHP Officer Binion with his S.F.P.D. identification card and stated he was a police officer. CHP Officer Binion directed Officer Fikkers to return to the vehicle and sit down. Officer Fikkers after initially being argumentative complied.
- (7) CHP Officer Binion approached the vehicle driven by the accused and noticed a strong odor of alcoholic beverage emitting from the vehicle. CHP Officer Binion also noticed that the accused's eyes were red and glassy and that his speech was slurred. CHP Officer Binion then asked the accused to perform a series of field sobriety tests, which he refused. At this time CHP Officer Binion arrested the accused for driving under the influence of an alcoholic beverage and requested assistance to transport the accused to the San Mateo County Jail. CHP Officer Binion also requested that a supervisor respond to the scene;

- (8) On or about November 11, 1988, at approximately 1325 hours, CHP Officer Sean Dwyer, Star Number 1048, and CHP Sergeant Hal Nelsen, Star Number 8032, arrived at the scene. CHP Sergeant Nelsen transported the accused to the San Mateo County Jail;
- (9) On or about November 11, 1988, at approximately 1409 hours, the accused submitted to an Intoxilyzer test. The results of the Intoxilyzer tests indicated the accused's blood contained respectively .22 and .22 alcohol by weight;
- (10) California Vehicle Code Section 23152(a) makes it unlawful for any person to drive a vehicle while under the influence of alcohol;
- (11) The accused, by driving a department vehicle, while off-duty under the influence of alcohol, has engaged in conduct which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, April 19, 1989, and on Wednesday, April 19, 1989, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specification No. 1 as preferred by the Chief of Police against Police Captain Donald A. Goad are sustained by a preponderance of evidence presented; therefore be it

RESOLVED, that based on these findings consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

SPECIFICATION NO. 1

90-day suspension and enroll in the Department's D-4 Program

and be it further

RESOLVED, that the ninety (90) calendar days suspension shall commence on Thursday, April 20, 1989 at 0001 hours and end Tuesday, July 18, 1989 at 2400 hours.

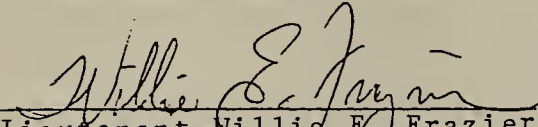
AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioner Nelder

Recess taken during the hearing of Captain Goad:

7:05 p.m. to 7:28 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

The meeting, thereafter, was adjourned at 7:33 p.m.


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/rt
W/4910M

Minutes
APRIL 26, 1989

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, April 26, 1989 at 1730 hours in a Regular Meeting.

Commissioner Giraudo presiding.

DOCUMENTS DEPT.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

AUG 3 1989

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PUBLIC LIBRARY

APPROVAL OF MINUTES OF MEETING OF JANUARY 18, 1989

Approval of Minutes of Meeting of January 18, 1989, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 466-89

JOSEPH MOORE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joseph Moore in the sum of \$650.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 31, 1989

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 467-89

PERVANCHE L. McGEE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Pervanche L. McGee in the sum of \$102.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 26, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder

POLICE COMMISSION REPORT

Commissioner Giraudo announced that there is no Police Commission report tonight.

(a) PUBLIC COMMENTS

Mr. Frank Del Campo said he was present last week when there was a presentation made concerning a decision by the Board of Supervisors in regard to a parochial school funding for a drug education program which caused him a great deal of alarm. He said it has caused him a great deal of alarm because his parents, father in particular, had to work two (2) jobs to be able to let him and his siblings' children go to parochial school. He said he had the

occasion to go to their Union Hall after the meeting and Supervisor Hallinan was there and he raised the issue. He said he found out some things that he would like to bring to the Commission that he believes are pertinent elements that should be brought to the Commission's attention given the discussion of last week. He said part of Supervisor's objections were because the parochial school program included grades that were not included in public schools. He said so one of the objections was that this was a better program or a better funded program than the public school children received. He said the Supervisor's other objection was that other religious schools were excluded from drug education programs.

Commissioner Giraudo said he personally spoke with Supervisor Hallinan and he told him of his and Mr. Del Campo's conversation and he also spoke with Supervisors Walker and Ward and there was a misunderstanding between the Department and the Supervisors at the Finance Committee and there might be misconceptions and misperceptions about what the Catholic Schools in question are all about. He said during the course of those conversations they have assured now that every school of every sort in San Francisco have been offered the program. Many, said, have refused. Many have taken the position that they did not want drug education in their schools because they did not want people to think they have a drug problem. He said the Catholic Schools when offered accepted right away. He said of the 30,000 students that attend Catholic Schools in San Francisco, 72% are minorities -- 10% Black, 22% Hispanic and 40% Asian. He said 30% non-Catholic and in excess of 27% below the poverty line. He said so there is a bit of that going on in terms of that particular grouping in schools that in fact it does reflect the population in San Francisco. He said but in all fairness to the Supervisors involved it was a concern of Church and State separation despite an opinion from the City Attorney that said the issue was not there and there was also a concern that not all schools had been notified or had been invited to participate in the program and that's all been corrected and the Department should be able to go back to the Finance Committee with the program again evidencing that all schools have been invited, some have refused and some have accepted.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan said he had just one item that is one that the Commission brought up and asked him to follow up on. He said with the SFPOA not being here last week and the issue came up about some problem possibly might be taking place between the POA and the OCC for regarding a 10 days return form for anyone who might be involved in any kind of a complaint to return something in written form. He said he had been advised by the SFPOA President that apparently there was a meeting that took place during the week with OCC and he had a letter that specifies what happened. He said it states that it was strictly a procedure problem in which they are in the process of working out and are sure all concerned will be satisfied. A second meeting is scheduled for tomorrow, April 27th and possibly there will be more heard from the OCC tonight because it was members of the OCC and the POA who sat down together on this issue.

Mr. Langer, Director of the OCC, said they had an informal meeting with them and agreed that they would discuss this further at a future time. He said the City Attorney advises that they did not believe a meet and confer was necessary but the OCC and POA did agree to meet informally to try to resolve it.

Commissioner Giraudo then read into the record the POA's President letter. He then said although the OCC's meeting with the POA tomorrow is on another issue, he would ask that Mr. Langer raise this issue with them at that time. He said he would also ask the Chief's Office to contact Mr. Keys who has written Commissioner Giraudo a letter which, he feels, says that the OCC and POA are supposed to be discussing this matter on the 27th. He said Mr. Keys needs to understand that the Commission considers the concern of the OCC a serious concern and expected a response that was not skirting the issue but directing their response to the issue he said, so, he would ask that they do meet and come to a resolution one way or another and if they have a problem then they will go to the City Attorney's Opinion which says that under L-1 this Commission has a right to say to the Chief and to his Staff that officers are to be instructed to follow those procedures.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Langer said the OCC had nothing to report tonight.

REQUEST OF THE CHIEF OF POLICE FOR POLICE COMMISSION ENDORSEMENT OF PORPOSED LEGISLATION TO INCREASE PARKING FINES AND FORWARD TO THE BOARD OF SUPERVISORS FOR CONSIDERATION

Captain John Newlin of the Traffic Division spoke on this item and said basically that the Department is asking that the Commission forward to the Commission and the Presiding Judge the following legislation for increasing the penalty for Parking Meters in the outlying areas from \$10.00 to \$15.00 and the downtown corridor from \$15.00 to \$20.00 and crosswalk violations from \$10.00 to \$20.00 and handicap ramps from \$10.00 to \$20.00. He said the intent is to bring the on-street parking penalties more in line to be self-enforcing that they will make people either seek out public transportation or utilize off street parking lots. He said it is the Traffic Division's Goal not to write more citations but to create a self-enforcing level where the people appreciate the seriousness of the violation.

Commissioner Nelder said he would support the handicap request but he had a real question about the parking meters going from \$10.00 to \$15.00 and from \$15.00 to \$20.00. He said if a person isn't complying for 10 dollars they sure aren't going to comply for 15.

After further discussion on this matter, Commissioner Nelder said the motion would be to move this off calendar and comeback with the proviso that effects the handicap people. Commissioner Lee said he seconds that motion and it was unanimously approved.

RESOLUTION NO. 461-89

REQUEST OF THE CHIEF FOR ENDORSEMENT OF PROPOSED
LEGISLATION TO INCREASE PARKING FINES

WHEREAS, the Chief of Police has requested approval of amendment to Part II, Chapter XI, San Francisco Municipal Code (Traffic Code), Section 32, to increase the minimum penalties for violations of posted time restrictions, and

WHEREAS, the Police Commission has ordered the item off calendar at this time and to be brought back on calendar following submission of subsequent amendment by Captain John Newlin, Traffic Division; therefore be it

RESOLVED, that this proposed legislation is to be off calendar until such time as an amendment is presented by Traffic Division.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 462-89

RECOMMENDATION OF THE CHIEF OF POLICE FOR APPROVAL
OF CONTINUATION OF \$72,000 OFFICE OF CRIMINAL
JUSTICE PLANNING DRUG SUPPRESSION GRANT FOR THE
THIRD YEAR WITH MATCHING FUNDS FROM DRUG ASSET
SEIZURE FUNDS

WHEREAS, the San Francisco Police Department Drug Education Unit and the San Francisco Unified School District (SFUSD) are currently operating under a \$72,000.00 Office of Criminal Justice Planning (OCJP) Drug Suppression Grant which the Commission approved the last two years, and

WHEREAS, the Office of Criminal Justice Planning Drug Suppression Grant has offered third year funding which requires matching funds of \$36,000.00 which will be taken from Drug Asset Seizure Funds; therefore be it

RESOLVED, that the Police Commission does hereby approve the San Francisco Police Department Drug Education Unit and the San Francisco Unified School District request for an extension of the grant proposal, which matching funds will be funded by Drug Asset Seizures.

AYES: Commissioners Giraudo, Lee, Medina, Lee

RESOLUTION NO. 463-89

HEARING OF POLICE OFFICER JEAN J. POWERS, RICHMOND
STATION

WHEREAS, on March 18, 1988, Frank M. Jordan, Chief of Police of the San Francisco Police Department, prepared charges against Police Officer Jean J. Powers, Richmond Station, a copy of which was posted by Captain Paul A. Kotta, Richmond Station, on the official Department bulletin board at Richmond Police Station on March 28, 1988 at 1430 hours. This copy was removed by Captain Kotta on April 4, 1988 at 0950 hours, forwarded to the Management Control Division and subsequently to the Police Commission on April 4, 1988, which reads as follows:

SPECIFICATION NO. 1

Failure to obey the lawful order of a superior (violation of Rule A-11 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to obey the lawful order of a superior (violation of Rule A-11 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 3

Failure to obey the written orders of the Department (violation of Rule A-10 of General Order D-1 of the San Francisco Police Department).

and

WHEREAS, the Police Commission set Wednesday, April 26, 1989, as the date for the hearing on charges filed against Officer Jean J. Powers; and

WHEREAS, a letter was received from Mr. Clifton Jeffers, Attorney at Law representing Officer Powers, that Officer Powers has been given retirement from the San Francisco Police Department for reason of disability to be effective retroactive to November 15, 1988; therefore be it

RESOLVED, that the charges of violating the Rules and Procedures of the San Francisco Police Department filed against Police Officer Jean. J. Powers, be, and the same are hereby continued off calendar.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

PRESENTATION OF TAXICAB PUBLIC CONVENIENCE AND NECESSITY REPORT BY PERMIT SECTION

Officer Linda Flanders of the Taxicab Section presented this item and said about a month ago they came before the Commission and asked them for a six month extension and at that time the Commission asked that they come back and give them a Status Report.

After giving the Commission a reason why the Permit Section was unable to come up with an in-depth report she then continued by stating the following: (Excerpts from Transcript of dialogue taken at Hearing by CSR Linda Pransky with entire matter being on file in the Office of the Police Commission.) "On many occasions at past public convenience and necessity hearings, it's been stated that during the certain times of the week there are too many taxicabs on the street for drivers to make a living and occasionally even to make their gate. At certain other periods of time, there are not enough cabs on the street. I personally contacted five of the larger, not the largest but five of the larger companies regarding the number of taxicab medallions that they place in service on any given day. All five companies admitted that on Saturdays and Sundays, especially day shifts, not all taxicab medallions went out on the streets. When drivers cannot make a decent wage and at times not even make their gate, then they are going to refuse to take

their cabs out. Of the five companies that I contacted, there was an average between three and ten taxicabs that did not go out on the street at all on Saturday and Sunday mornings. Now if these numbers are multiplied by the five companies that I spoke to, that anywhere between 15 and 20 taxicabs that are potentially not in service at a particular time." She then went on to say that they feel that at this time the issuance of new taxicab medallions would only leave more cabs dormant during these extremely slow periods. She said their unit also acknowledges that there are periods when there are never enough taxicabs. This premise, she said, learns more in the direction of temporary permits than of permanent ones. She said based on the industry's past when considering the number of cabs that are needed, if you base it on the industry's past history, it appears to them that it might be safer to limit the number on the conservative side rather than the liberal side. She said in 1956 the City had 739 permits and that figure changed to 849 in 1972 when the Police Commission issued 110 more taxicab permits. She said a company's bankruptcy in January of 1978, returned 138 permits back to the City, reducing the number to 711. She said in 1984 in response to the Democratic National Convention, 50 more taxicab permits were issued and again following the 1986-87 public convenience and necessity hearings, 50 more permits were issued which brings the number now to a total of 811. She said since the companies already have medallions that are not in use at certain periods of time, it appears to the Cab Detail that the present number 811 taxicabs is already creeping towards the far end of what the industry can financially support. She said in summary, Commissioners, the taxicab staff does not recommend the issuance of any new permits at this time. She said they, however, believe that a study of the industry over the next six months based on the new regulations will be able to reveal more concrete information as to whether or not the number of cabs is the answer or if the efficiency of the industry is the answer.

Commissioner Giraudo said he would like to review the report from the year before the 86-87 report because this report, just given, written and verbally, is not in concert with 86-87, but he does not remember all of the reasons why at this time. He said he would like to also personally talk to the City Attorney because the last time the Commission issued permits, Attorney Steve Diaz appeared and was going to challenge those permits but apparently ended up not challenging them. He said so he would like to go back and recall the basis for the challenge so that if it is the will of the Commission to grant more permits, that the Commission do so in such a manner and fashion that is unchallengeable, or will stand up to a challenge if there is such a challenge. He said what he would like to do is bring it back in four weeks for a status report, not for the Taxicab Detail to report but a Status Report in regards to the possible decision of the Commission. Commissioner Lee then made a motion to continue the matter four weeks from this date. Commissioner Nelder seconded and it was unanimously approved.

RESOLUTION NO. 464-89

PRESENTATION OF TAXICAB PUBLIC CONVENIENCE AND
NECESSITY REPORT BY PERMIT SECTION

WHEREAS, Officer Linda Flanders of the Permit Section presented a staff report on Public Convenience and Necessity for Taxicabs, and

WHEREAS, in the conclusion of the report it was recommended that no permits be issued at this time, and

WHEREAS, the Police Commission took the matter under advisement; therefore be it

RESOLVED, that the Police Commission on May 24, 1989, will calendar the matter for a status report by the Police Commission.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

RESOLUTION NO. 465-89

POLICE COMMISSION DECISION ON MOTION TO THE
COMMISSION FOR PRODUCTION OF DOCUMENTS IN THE
MATTERS OF INSPECTOR FRANK C. MCCOY, et al

WHEREAS, the date for the decision on the motion to the Commission for production of documents in the matters of Inspectors Frank C. McCoy, Marvin V. Dean, William F. Kidd and Antonio L. Casillas, was called it having been continued from the meeting of April 5, 1989; and

WHEREAS, after listening to Inspectors' attorneys regarding production of documents and their decision that this was not their motion but a motion that was made by the City Attorney which they had no desire to pursue, the Commission came to a conclusion; therefore be it

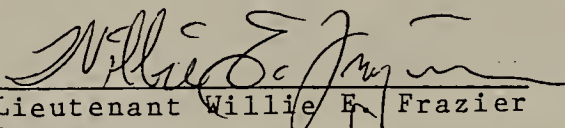
RESOLVED, that the decision on the motion for production of documents in the matters of Inspectors Frank C. McCoy, Marvin V. Dean, William F. Kidd and Antonio L. Casillas scheduled for this date is not a matter pursued by the Inspectors' attorneys and will not be considered and is hereby removed and taken off calendar.

AYES: Commissioners Giraudo, Lee, Medina, Nelder

EXECUTIVE SESSION - "IN CAMERA REVIEW OF REQUESTED
DOCUMENTS"

Taken off calendar.

The meeting, thereafter, was adjourned at 7:28 p.m.


Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

Minutes
MAY 3, 1989

REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers Room 551, Hall of Justice, 850 Bryant Street on Wednesday, May 3, 1989 at 1730 hours in a Regular Meeting.

Commissioner Giraudo presiding.

AYES: Commissioners Giraudo, Medina, Nelder
ABSENT: Commissioner Lee

APPROVAL OF MINUTES OF MEETING OF JANUARY 25, 1989

Approval of Minutes of Meeting of January 25, 1989, the Commissioners having received, approved, and returned copies of same.

DOCUMENTS DEPT.

AUG 8 1989

APPROVAL OF CONSENT CALENDAR

SAN FRANCISCO
PUBLIC LIBRARY

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 475-89

DAVID G. HALL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David G. Hall in the sum of \$275.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 16, 1988

AYES: Commissioners Giraudo, Medina, Nelder
ABSENT: Commissioner Lee

RESOLUTION NO. 476-89

KENNETH CHIU

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kenneth Chiu in the sum of \$150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 2, 1989

AYES: Commissioners Giraudo, Medina, Nelder
ABSENT: Commissioner Lee

RESOLUTION NO. 477-89

TERENCE FINNEGAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Terence Finnegan in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 21, 1988

AYES: Commissioners Giraudo, Medina, Nelder
ABSENT: Commissioner Lee

RESOLUTION NO. 478-89

DENNIS L. HAMIL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dennis L. Hamil in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 12, 1988

AYES: Commissioners Giraudo, Medina, Nelder
ABSENT: Commissioner Lee

RESOLUTION NO. 479-89

FOREST M. FULTON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Forest M. Fulton in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 13, 1988

AYES: Commissioners Giraudo, Medina, Nelder
ABSENT: Commissioner Lee

RESOLUTION NO. 480-89

ROBERT A. DeLUCA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert A. DeLuca in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 23, 1988

AYES: Commissioners Giraudo, Medina, Nelder
ABSENT: Commissioner Lee

RESOLUTION NO. 481-89

RICHARD GOODMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Richard Goodman in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 14, 1988

AYES: Commissioners Giraudo, Medina, Nelder
ABSENT: Commissioner Lee

RESOLUTION NO. 482-89

GEORGE ROBERT CARRASCO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of George Robert Carrasco in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 29, 1988

AYES: Commissioners Giraudo, Medina, Nelder
ABSENT: Commissioner Lee

RESOLUTION NO. 483-89

CHRISTOPHER W. VAN VLEET

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Christopher W. Van Vleet in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 8, 1988

AYES: Commissioners Giraudo, Medina, Nelder
ABSENT: Commissioner Lee

RESOLUTION NO. 484-89

ANDRIANA C. KAZARIAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Andriana C. Kazarian in the sum of \$100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 18, 1988

AYES: Commissioners Giraudo, Medina, Nelder
ABSENT: Commissioner Lee

RESOLUTION NO. 485-89

ELIZABETH BRUEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Elizabeth Bruen in the sum of \$90.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 19, 1988

AYES: Commissioners Giraudo, Medina, Nelder
ABSENT: Commissioner Lee

RESOLUTION NO. 486-89

BRUCE MACE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Bruce Mace in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 22, 1989

AYES: Commissioners Giraudo, Medina, Nelder
ABSENT: Commissioner Lee

RESOLUTION NO. 487-89

VERONICA P. SKILLIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Veronica P. Skillin in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 7, 1988

AYES: Commissioners Giraudo, Medina, Nelder
ABSENT: Commissioner Lee

RESOLUTION NO. 488-89

OMARS ANSARI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Omars Ansari in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 27, 1988

AYES: Commissioners Giraudo, Medina, Nelder
ABSENT: Commissioner Lee

RESOLUTION NO. 489-89

MICHAEL Wm. McCOLL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael William McColl in the sum of \$80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: December 21, 1988

AYES: Commissioners Giraudo, Medina, Nelder
ABSENT: Commissioner Lee

RESOLUTION NO. 490-89

RUSSELL J. FISK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Russell J. Fisk in the sum of \$76.50 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 11, 1987

AYES: Commissioners Giraudo, Medina, Nelder
ABSENT: Commissioner Lee

POLICE COMMISSION REPORT

Commissioner Giraudo announced that there is no Police Commission report tonight.

(a) PUBLIC COMMENTS

Mr. Frank Del Campo said he saw an item on tonight's calendar that may effect members of the Department covered by his Union 790 and if so he would like to be able to comment on it at that time. Commissioner Giraudo said he did not see any problem with that and Mr. Del Campo could comment at that time if it had any thing to do with his Union's members.

CHIEF'S REPORT TO THE POLICE COMMISSION

Acting Chief John Jordan said there no matters to be reported tonight from the Chief's Office.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

OCC Director Mr. Michael Langer said they have one item and that is they met with the SFPOA last Thursday afternoon to discuss the member response forms and the OCC's contention is that they should be deemed mandatory and they believe the SFPOA wanted included on the form and so far, they are all pretty much in agreement. He said there a couple of items that are before the City Attorney right now and they are trying to work on it and he believes they should have this matter resolved and ready to be brought to the Commission by next Wednesday.

REQUEST OF THE CHIEF OF POLICE FOR POLICE COMMISSION APPROVAL OF SAN FRANCISCO SAFE'S SECOND YEAR GRANT REAPPLICATION WITH THE OFFICE OF CRIMINAL JUSTICE PLANNING AND MATCHING FUNDS IN THE AMOUNT OF \$20,860

Ms. Suzanne London, Director of SAFE, said she was asking the Commission to consider approval of the matching funds for their second year re-application Grant to the Office of Criminal Justice Planning in the amount of \$20,860.00. She said this amount has been preliminarily approved and included in the SFPD Budget. Commissioner Nelder said he would move approval. Commissioner Medina seconded and it was unanimously approved.

RESOLUTION NO. 469-89

APPROVAL OF SAN FRANCISCO SAFE'S SECOND YEAR GRANT REAPPLICATION WITH OCJP AND MATCHING FUNDS IN THE AMOUNT OF \$20,860

WHEREAS, the San Francisco SAFE is currently operating under a grant from the Office of Criminal Justice Planning (OCJP) with matching funds and the grant is nearing completion of its first year of a two-year cycle, and

WHEREAS, the Chief of Police is requesting approval of San Francisco SAFE's second year grant reapplication with OCJP and matching funds in the amount of \$20,860, which total will be \$107,741.00; and

WHEREAS, the \$20,860 has been previously approved and budgeted by the San Francisco Police Department in SAFE's budget for FY 1989-1990; therefore be it

RESOLVED, the SAFE's second year grant with OCJP with matching funds in the amount of \$20,860 and the attached resolution is hereby approved.

AYES: Commissioners Giraudo, Medina, Nelder
ABSENT: Commissioner Lee

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL TO REVISE ADMINISTRATIVE CODE SECTION 10B.2 RELATING TO THE PAYMENT FOR SPECIAL LAW ENFORCEMENT SERVICES

Lieutenant John Robinson of the Fiscal Division said this request to amend Section 10b of the City's Administrative Code is designed to allow the Police Department to pay the members who work these special assignments, in a timely manner. He said the

current process often falls short of providing enough funds in the normal billing cycle when the Department recovers same from the various events that it police. He said the current wording of the Ordinance forces the Department to deposit all of these funds in the General Fund. He said what they are asking for is re-wording to allow them to hold all of the revenues that they realize from their billings so that they can pay the officers and the members of this Department in a timely manner and any thing that is left over will be forwarded to the General Fund at the end of the Fiscal Year. He said the net effect to the City would be zero, they would still receive all the funds that they are currently receiving, however it would allow the Fiscal Division to pay members of the Department in a timely manner and not have to wait, in some instances, months for their pay on these special events.

Mr. Del Campo of Union 790, who had indicated under public comments his desire to speak if it impacted on his members, said that he would withdraw any objection he may have had as speedy delivery of funds is not a matter in dispute.

Commissioner Nelder said he would move approval, Commissioner Medina seconded and it was unanimously approved.

RESOLUTION NO. 470-89

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL TO REVISE ADMINISTRATIVE CODE SECTION 10B.2 RELATING TO THE PAYMENT FOR SPECIAL LAW ENFORCEMENT SERVICES

WHEREAS, the Department has not been consistently able to pay officers the overtime they earned working "10.B" assignments in a timely manner, and

WHEREAS, the affected officers have at times been forced to wait several months for their payments, and

WHEREAS, the officers are entitled to expect timely payment for their services, and

WHEREAS, this timely payment would be facilitated by including the 22.5% administrative overhead charge in the "10.B" overtime account; therefore, be it

RESOLVED, that the Commission approves of the change in language amending Administrative Code Section 10.B2.

AYES: Commissioners Giraudo, Medina, Nelder
ABSENT: Commissioner Lee

RESOLUTION NO. 471-89

SETTING OF DATE FOR HEARING OF PATROL SPECIAL OFFICER RAYMOND A. ADKINS, MISSION POLICE DISTRICT

WHEREAS, the date for the setting of hearing of the disciplinary charges filed against Patrol Special Officer Raymond A. Adkins, Mission Police District, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Casimir Wilson, Attorney at Law representing Patrol Special Officer Adkins, that the date for the hearing of disciplinary charges filed against Patrol Special Officer Adkins be set for July 19, 1989; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Patrol Special Officer Raymond A. Adkins is set for Wednesday, July 19, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Medina, Nelder
ABSENT: Commissioner Lee

RESOLUTION NO. 468-89

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE
INSPECTOR CLIFFORD A. TAWNEY, INVESTIGATIONS BUREAU
- ROBBERY DETAIL

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Inspector Clifford A. Tawney, Investigations Bureau - Robbery Detail, as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of hearing of disciplinary charges filed against Police Inspector Clifford A. Tawney is scheduled for Wednesday, May 10, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Medina, Nelder
ABSENT: Commissioner Lee

HEARING OF APPLICATION OF RICHARD MIRON FOR THE
POSITION OF PATROL SPECIAL OFFICER

The Department indicated a request for a continuance in this matter as it was the feeling that because Mr. Miron wants to become a Patrol Special and Patrol Specials must meet certain qualifications that a Psych screening test would have to be administered to him. Therefore the Department is requesting one month. Commissioner Nelder said he would make the motion to continue the matter for one month, Commissioner Medina seconded and it was unanimously approved.

RESOLUTION NO. 473-89

HEARING ON APPLICATION OF RICHARD MIRON FOR THE
POSITION OF PATROL SPECIAL OFFICER

WHEREAS, the date for the hearing on the application of Richard Miron for the position of Patrol Special Officer was called, it having been continued from the meeting of April 19, 1989; and

WHEREAS, it was requested by Mr. Steve Diaz, Attorney at Law representing Mr. Miron, that the date for the hearing on the application of Richard Miron for the position of Patrol Special Officer be continued another month; therefore be it

RESOLVED, that the date for the hearing on the application of Richard Miron for the position of Patrol Special Officer is continued to Wednesday, June 7, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Medina, Nelder
ABSENT: Commissioner Lee

RESOLUTION NO. 474-89

HEARING OF POLICE OFFICER ROWLAND WING, PARK STATION

WHEREAS, the date for the hearing of the disciplinary charges filed against Police Officer Rowland Wing, Park Station, was called it having been scheduled for this date, and

WHEREAS, it was requested by Mr. John Prentice, Attorney at Law representing Officer Wing, that the date for the hearing of Police Officer Rowland Wing be continued to July 12, 1989; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Officer Rowland Wing, Park Station, is continued to Wednesday, July 12, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Medina, Nelder
ABSENT: Commissioner Lee

HEARING ON MOTION TO DISMISS CHARGES AGAINST OFFICER
WILLIAM S. TAYLOR, PERSONNEL DIVISION

The Attorney for Officer Taylor, Ms. Carole Selliger, request that this be a closed hearing to which the Commission granted her request.

HEARING ON MOTION TO DISMISS CHARGES AGAINST OFFICER
WILLIAM S. TAYLOR, PERSONNEL DIVISION

The hearing on motion filed by the attorneys for Police Officer William S. Taylor to dismiss charges filed against him was called, it having been set for this date.

Ms. Carole E. Selliger, Attorney at Law, appeared on behalf of Officer William S. Taylor.

Mr. Michael Gash appeared on behalf of the San Francisco Police Department.

An opening statement was made by Ms. Carole Selliger, Attorney at Law for Officer Taylor, presenting her motion to dismiss charges against Officer Taylor and reasons therefor.

Mr. Michael Gash presented arguments in rebuttal, written and verbal, objecting to dismissal of charges filed against Officer Taylor.

The Commission, having read previously submitted written arguments by both attorneys, Mr. Gash and Ms. Seliger, and listening to their verbal arguments adopted the following resolution:

RESOLUTION NO. 472-89

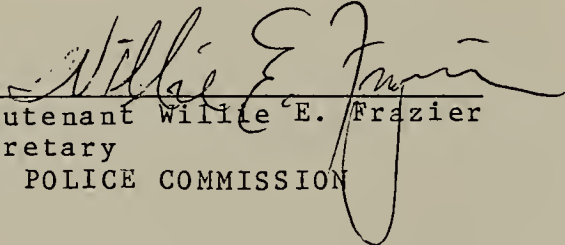
DECISION ON MOTION TO DISMISS CHARGES AGAINST
OFFICER WILLIAM S. TAYLOR

RESOLVED, on motion by Commissioner Nelder and seconded by Commissioner Medina, the Commission hereby denies Attorney Carole E. Selliger's motion to dismiss charges against Police Officer William S. Taylor.

AYES: Commissioners Giraudo, Medina, Nelder
ABSENT: Commissioner Lee

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

The meeting, thereafter, was adjourned at 6:30 p.m.



Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/rt
W/4923M

